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1928.









CANADA

# SPECIAL ELECTION INSTRUCTIONS

For certain By-Elections

WITH A DISCUSSION

of the

RIGHTS AND OBLIGATIONS OF CANDIDATES

and

THE DOMINION ELECTIONS ACT, R.S.C., 1927, c. 53.

(BOOK A)

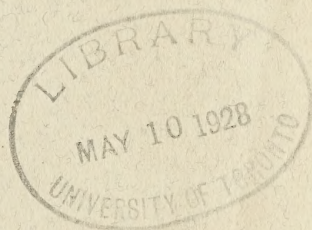
(Issued by the Chief Electoral Officer)

1st FEBRUARY, 1928


To be obtained on application to the King's Printer, Ottawa

OTTAWA  
F. A. ACLAND  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1928

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### NOTE

The distribution of this book (Book A) to candidates is made gratuitously under Order in Council dated the 30th of July, 1920 (P.C. 1767), by virtue of which any member of the House of Commons and any candidate who, after the dissolution of Parliament or the occurrence of a vacancy, publicly declares himself as a candidate, is entitled, upon request to the returning officer, to be supplied gratis with twenty-five copies. Further copies may be obtained from the King's Printer at the published price.



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## PREFATORY SUMMARY

A Dominion election is commenced by a writ issued in the name of His Majesty the King and directing a returning officer therein described to hold the nomination and the poll on specified days, which are ordinarily seven days apart, although in certain electoral districts mentioned in Schedule 3 the interval between them is fourteen days.

Immediately upon the receipt of the writ the returning officer publishes a proclamation giving notice that the election will be held, and defining the areas in the electoral district within which the polling divisions will be urban and rural respectively. Polling divisions contained within cities, towns or incorporated villages having a population of over 5,000 are always urban divisions; all others are rural, unless they are specially directed by the Chief Electoral Officer to be treated as urban. The distinction is important, since at all elections lists of voters are prepared according to a different procedure in polling divisions of the two classes. At many elections the preparation of completely new lists is undertaken, but with the procedure then followed this book of instructions does not deal. It is confined to the procedure followed when there has within two years been a previous Dominion election in the electoral district in question and the lists prepared for use at such previous election are merely revised and brought up to date under section 33 of the Act.

The lists prepared at the previous election for urban polling divisions are revised by the county or district judge or by some one appointed by him. The sittings for revision commence exactly three weeks before polling day and continue on the following five week days. At these sittings the revising officer may add to the lists the names of any qualified voters which do not appear upon them and may strike off names upon two days registered notice of the application to strike off being given by any one who desires to do so and is prepared to adduce prima facie evidence of the disqualification of the person whose name is objected to. After the conclusion of the sittings for revision the lists as corrected are reprinted. Lists for urban polling divisions are closed; no one who should vote in an urban polling division may do so unless his name appears upon the lists therefor.

The list prepared at the previous election for each rural polling division is revised by a rural registrar who gives notice of the place at which he will be found on the week day afternoons intervening between the thirteenth and ninth days before polling day, after the latter of which days each rural registrar prepares manuscript or typewritten copies of his list as corrected. Lists for rural polling divisions are not printed. Voters qualified to vote in a rural polling division may vote on polling day, notwithstanding that their names do not appear upon the list, upon taking an oath and being vouched for as duly qualified.

Copies of the lists prepared at the previous election are made available for candidates, and upon formal nomination candidates become entitled to receive from revising officers and rural registrars statements of the changes they have made in these. They also later receive complete printed copies of the revised lists for urban polling divisions.

Nominations of candidates are made in writing by any ten electors. With each nomination there is required a deposit of \$200, which is retained only if the candidate fails at the poll to receive half as many votes as a candidate elected. The consent of the candidate to his being placed in nomination is necessary unless he is absent from the electoral district. Nomination papers may be



delivered to the returning officer at any time and place during the election until two p.m. (standard time) on nomination day. Upon that day the returning officer attends specially to receive them between noon and two p.m. at a place at which he is required to give public notice. If by two p.m. no more candidates have been nominated than there are members to be elected a return is made by acclamation, otherwise a poll is held either one or two weeks later.

At least one polling station is established in each polling division, and for each the returning officer appoints a deputy who selects his own poll clerk. The poll remains open continuously from eight a.m. until six p.m., when the ballots cast at each polling station are counted thereat, and the ballots and other documents, with a statement of the result at that polling station, are transmitted to the returning officer, who, on a later day, of which he has given notice in the proclamation, brings together and totals the figures returned by each deputy returning officer, declaring elected the candidate who has received the highest number of votes.

The returning officer retains the papers for the next six days, during which a recount may be demanded from the county or district judge. If none is asked for, then at the expiration of the six days, or if one is held, immediately upon its completion, a return to the writ is made by the returning officer to the Chief Electoral Officer, by whom notice of the return is given in the *Canada Gazette*.



# DOMINION ELECTIONS ACT

## ELECTION INSTRUCTIONS

### INTRODUCTORY

**1. General Administration of Elections.**—These Instructions are issued pursuant to the authority conferred upon the Chief Electoral Officer, who, by the Dominion Elections Act, is made directly responsible to Parliament, instead of to the government in power, for the issue to election officers of all such instructions as are required, and for exercising general direction and supervision over the administrative conduct of elections with a view to ensuring the fairness and impartiality of all election officers. Such officers (except revising officers) are all appointed directly or indirectly by the government in power, but the Chief Electoral Officer is required, if any returning officer is incompetent or neglects his duty, to recommend his removal, and is further required to make a report to the Speaker after each election directing attention to any matter arising in the course of the election of which an account ought in his judgment to be submitted to the House of Commons. To this report he is further bound to append any written complaint which a candidate or his agent may desire to make with respect to the conduct of any election officer.

Authority  
for these  
Instructions.  
Sec. 18.

Sec. 75.

**2. Instructions.**—The Dominion Elections Act is, like most statutes, in a form not readily understood by persons without a legal training, and most election officers come within this category. In these Instructions therefore an attempt has been made to state in as simple language as possible the duties and responsibilities under the statute of each election officer, supplementing the directions of the statute where supplement is necessary, and warning against errors into which election officers might more or less easily be led. Appended to the statement of the duties of each officer there will be found a list of the forms and supplies he should receive and a diary of his duties. By reference to those paragraphs of the instructions relating to his special duties, and to the diary, most election officers will be able properly to do all that is required of them without reference to the statute. Marginal references to the sections of the statute are however made throughout the Instructions in order that the statutory provisions may be readily referred to when required, and they should be referred to in any doubtful case. A supply of these Instructions is sent to the returning officer for distribution to candidates.

Scope and  
purpose of  
these  
Instructions.

**3. Errors in Instructions.**—It is a very difficult task to anticipate the practical difficulties which will require to be met in the carrying out of a complicated procedure involving the co-operation of numerous persons, many of them unfamiliar with their duties. Election officers are invited to direct attention to any errors in or omissions from these Instructions, or difficulties in the procedure prescribed by the Act, in order that these may be corrected, supplied or removed in subsequent editions or by the suggestion of appropriate amendments to the Act.

Suggestions  
from  
election  
officers  
invited.

## PART I

### DUTIES OF THE RETURNING OFFICER

#### 1. GENERAL

Appointment  
of returning  
officer and  
election clerk.

Sec. 21.

Sec. 22.

Forms 2-4.

Sec. 22.

Sec. 23.

**4. Returning Officers and Election Clerks.**—For every electoral district the Governor-in-Council, on the recommendation of the Secretary of State, appoints a returning officer, who, like almost all other public servants, holds office during the pleasure of the Crown. The returning officer himself selects his election clerk, who must be a qualified elector and be resident in the electoral district. Both the returning officer and the election clerk are required to swear an oath of office, which, with the appointment and oath of the election clerk, are to be sent to the Chief Electoral Officer forthwith upon their completion. The returning officer is responsible for the efficient and impartial conduct of any election which may be directed to be held in his electoral district during his tenure of office, and the election clerk not only has certain duties in the event of such an election, but, if for any reason the returning officer cannot act thereat, his duties are performed by the election clerk, unless or until a new returning officer has been appointed. When they are required to act at an election, the returning officer and the election clerk are respectively entitled to the fees specified in the tariff<sup>1</sup>; apart from an election they receive no remuneration. Unless he replaces the returning officer, the election clerk's duties at an election, and his remuneration, except for the few special services for which fees are specially provided, should be the subject of arrangement between him and the returning officer; in some electoral districts he will have very little to do, although in others the returning officer may delegate to him numerous and important duties. If he replaces the returning officer he will be entitled to the proper proportion, having regard to the time he has acted, of the fees the returning officer would otherwise have received.

General  
duties of  
returning  
officer.

Sec. 35 (2).

Sec. 32.

Sch. B.

R. 1.

Sec. 35 (1).

Sec. 79 (3).

**5. Returning Officer's Functions.**—The returning officer (or if he cannot act, then his election clerk) is responsible for the general conduct, in accordance with the instructions of the Chief Electoral Officer, of any election which may be directed to be held in his electoral district, and he selects all election officers except revising officers and poll clerks. His choice of officers is limited by the provisions which require that the election clerk and all deputy returning officers and registrars must be residents of the electoral district, and that every rural registrar must, except in case of necessity, be resident within the limits of the polling division for which he is appointed. Moreover, the statute forbids the appointment in any of these capacities of members of Parliament or of a provincial legislature, judges, ministers, priests, ecclesiastics, aliens, convicts, persons found guilty of corrupt or illegal practices at elections or any partner or clerk of the official agent of any candidate. Subject

<sup>1</sup> See page 31.



to these limitations, the returning officer is free to exercise his discretion and may select either men or women for the performance of any election duty. He assumes the responsibility for the efficient and impartial performance of their functions by all the election officers whom he appoints and should therefore familiarize himself with their duties and remuneration, advise and direct them throughout the election and impress upon them that they are acting as public officers and that no partiality must be shown to any political party or candidate. He must also see that the accounts of election officers and others are promptly and accurately rendered and should interest himself in securing their prompt payment, but he must, on the other hand, not forget that he represents the public in so far as concerns the proper expenditure of public money and that he is responsible for seeing that the election is conducted as economically as circumstances permit.

**6. Channels and Mode of Communication.**—On all matters of procedure the returning officer will communicate with the Chief Electoral Officer, but communications with regard to accounts and expenses should be made to the Auditor General, since the Chief Electoral Officer's duties with regard to fees and expenses are limited to the recommendation of a tariff and to the consideration of differences of opinion as to its application between election officers and the Auditor General. So far as these Instructions deal with matters of finance they express the views both of the Auditor General and of the Chief Electoral Officer. Mail matter addressed either to the Chief Electoral Officer or the Auditor General is carried post free, and a returning officer who carefully reads these instructions and carries out in their order the duties described in the successive paragraphs which follow should, except in special circumstances, have abundance of time to correspond by letter. The telegraph should be used only in case of unexpected difficulty when time does not permit the use of the mails, and night or day letters should ordinarily suffice. Communication by telephone with either the Chief Electoral Officer or with the Auditor General should under almost no circumstances be required, and an explanation of the necessity of resorting to it should accompany any telephone account for such communication.

Channels of communication.

Sec. 78.

Letters, telegrams, etc.

**7. Forms, Supplies and Bags.**—A list in numerical order of the forms and supplies required for use will be found near the end of this Part of the Instructions,<sup>1</sup> and immediately following it and towards the end of each of the other five Parts there will be found one of the six lists (Lists 1 and 3 to 7 inclusive<sup>2</sup>) indicating the officers by whom the several forms are to be used and the number of each which should be distributed. When a by-election is to be held, the Chief Electoral Officer will transmit to the returning officer the forms described as contained in Parcels A and B of List 1 and the remaining forms will be sent forward from time to time in labelled parcels or mail bags, each containing the papers in a particular category, which will be indicated on the tag or label. Forms adapted only for rural registration will not

Forms, supplies and bags.

<sup>1</sup> Page 34.

<sup>2</sup> Pages 37, 51, 59, 75, 79, 98. There is no List 2 in the present Instructions since no urban registrars are to be appointed.

be sent to returning officers having only urban polling divisions, or *vice versa*, and forms relating only to advance polls will be omitted from parcels despatched to any returning officer within whose district no advance poll is authorized to be established. With the material sent to him with the writ, the returning officer will be able to initiate the arrangements for the revision of the lists for the urban polling divisions in the electoral district, if there are any, but for the commencement of the rural registration it will be necessary to await the arrival of the forms specified in Parcel D of List 1 and in List 4, which may not, and probably will not, be ready for despatch until a day or two after the issue of the writ, since Forms 18 and 74 will be printed in Ottawa only after the writ has issued. Except the bags to be furnished if necessary to revising officers, all mail bags sent forward with form and supplies will be retained by the returning officer and used for his return to the writ. He will be required to account for all bags he receives.

Forms and  
stamps.

**8. Checking and Stamping Forms.**—The forms and supplies received by the returning officer from time to time should be carefully checked as they arrive and, if any are deficient, the Chief Electoral Officer should be notified without delay by letter, if time permits, and by telegram only if it does not. A stamp is supplied for the purpose of putting the name of the electoral district on the forms upon which it should appear; all forms which call for its insertion should be stamped before distribution. A stamp with the name of the returning officer will also be found convenient in large electoral districts, and the returning officer may have one made.

Code words.

**9. Use of Code Words.**—In Lists 1 and 3-7 above referred to, there is prefixed to each form a code word for use in any telegraphic communication in which it may be necessary to refer to the form in question. The use of the code word will not only be an economy, but will avoid mistakes in transmission. In List 1, which specifies the forms to be used by the returning officer himself, the initial letter of each code word is A. The initial letter of the code word is C for the forms first referred to in List 3 (revising officers); for those first referred to in List 4 (rural registrars), it is D; for those first referred to in Lists 5 and 6 respectively (deputy returning officers), it is E and F, and for the candidates forms first mentioned in List 7, it is G. These code words also follow each form in the numerical list of all the forms, so that a returning officer can, by reference to the number of the form alone, trace it to the distribution list in which it first occurs by looking it up in the numerical list.

Payment  
of election  
expenses.

**10. Expenses of an Election.**—The general principle governing the payment of the expenses of an election is that each election officer, and each other person by whom work is done or supplies are furnished, is paid direct from the office of the Auditor General at Ottawa upon the receipt by the Auditor General of a proper account from the claimant certified by the returning officer or the revising officer as having been properly incurred and being properly payable. The forms for the accounts of election officers and of the certificates required to be made by them and by the returning officers and revising



officers have been very carefully drawn with a view to making correspondence unnecessary and rendering it possible promptly to despatch the cheques in payment of these accounts. In those cases in which, by reason of some special circumstances, the tariff allowances are either excessive having regard to the work done or do not provide sufficient remuneration, consideration by the Auditor General or by him and the Chief Electoral Officer may prevent prompt disposition of the claims, but if the accounts and certificates are carefully made out the necessary delay will be reduced. If correspondence is involved, it will be found almost invariably to be due to the carelessness of the claimant or the neglect on the part of the certifying officer to prevent some avoidable or unnecessary expense.

**11. Advances.**—In view of the foregoing, returning officers should not ordinarily require to expend much money for the conduct of the election, but charges will doubtless sometimes have to be met in cash, in order that the work may be promptly and efficiently done, and in such cases the returning officer can obtain such advances as are necessary to enable him to meet them. Any returning officer who expects that he will be required to incur expenditures to which his own resources do not readily extend should communicate with the Auditor General forthwith after the receipt of the writ, indicating the situation fully and stating the amount of cash he is likely to require and the purposes for which it is necessary. Communication with the Auditor General on this subject should not be delayed until the returning officer is faced with immediate necessary expenditures and is compelled to resort to telegraphic requests for money. Such requests cannot be readily complied with and inconvenient delays may result from neglect to make proper provision at the time this should have been done. A statement of the expenses paid out of any advance made to a returning officer will be required before the Auditor General will advance further sums.

Requests by  
returning  
officers for  
advances.

**12. Swearing of Oaths.**—Except the oaths required on a nomination paper, any oath required to be taken under the Dominion Elections Act may be sworn not only before the judge of any court, any magistrate, any notary public or any commissioner for taking affidavits in the province, but also before the returning officer, the election clerk, any deputy returning officer or any poll clerk. The proper way to swear any oath which is in writing is for the officer administering the oath to ask the person who appears to swear it either to sign it or, if it is already signed, to acknowledge his signature to it, and then to say to him: "You swear that this oath signed by you is true to the best of your knowledge, information and belief. So help you God." The oath should be sworn upon a Bible or a New Testament. Certain persons who have either no religious belief, or have conscientious scruples against making oaths, are permitted, if they object to take an oath, to make an affirmation, and in such cases the procedure is the same except that the form is "You solemnly affirm" instead of "You swear," the words "So help you God" are omitted, and no Bible is required. The appropriate form must be substantially complied with; any person who signs a statement that an affidavit or declaration has been sworn or declared before him without having

Oaths.

Sec. 6.

See sec. 32  
(11).

required the deponent or witness actually to swear or declare is guilty of an offence and liable to punishment. The procedure for an oath or affirmation which is not in writing is identical with that just described except that the person administering the oath says "You swear that (*stating the facts*). So help you God," or "You solemnly affirm that (*stating the facts*)."

## 2. VOTERS LISTS AND POLLING DIVISIONS

Polling  
division  
boundaries.

Sec. 33.

**13.\* Laying off Polling Divisions.**—The present instructions deal only with elections at which lists prepared for the preceding election in the electoral district are used. Before or at the time of the despatch of the writ the Chief Electoral Officer will transmit to the returning officer about a dozen or more copies of the list of voters as prepared for use in each polling division at the preceding Dominion election. These copies are for distribution to revising officers, rural registrars and candidates, as indicated in Lists 3, 4 and 7; they will, however, not be sent forward with the other papers described in those lists, but will be despatched in separate bags containing voters' lists and nothing else. In view of their use no change of the polling divisions as laid off for the preceding Dominion election should be made except when a change appears necessary. There is no objection to the consolidation of two polling divisions into one where a consolidation will not create inconvenience to the voters, but the subdivision of polling divisions should be avoided, as should also any unnecessary deviations from the boundaries as previously established. The Chief Electoral Officer should be communicated with if any change seems to be necessary by reason of some mistake or omission in the definition of the boundaries as previously settled.

Returning  
Officer's  
Record.

Form 89.

## **15.\* Numbering and Recording Polling Divisions.**—

From the Notice of Grant of Poll at the preceding election (of which a copy will be sent to the returning officer) the polling divisions should be entered in the returning officer's record, in which blanks are provided for noting the arrangements made for the conduct of the election in these divisions. The returning officer's record provides for distinguishing between urban and rural polling divisions and the returning officer will be well advised to keep in touch with the changes in the distribution of population in his electoral district, so that any changes that may be required in the classification of polling divisions as urban or rural since the preceding election may be made. All polling divisions in places incorporated as cities, towns and villages which have a population of 5,000 or over will be urban as a matter of course, and generally speaking all others are rural. The Chief Electoral Officer may, however, direct that some of these others should be treated as urban. The principal classes of cases in which directions are given with respect to polling divisions not included in cities, towns or incorporated villages or included in cities, towns and incorporated villages with a

Sec. 2 (y, z.)

\* Throughout the present Election Instructions the paragraph numbers in the Election Instructions used at a general election have been retained as far as possible. Where any substantial change has been made in the present Instructions the paragraph number is followed by an asterisk as above. Paragraphs in the Election Instructions used at general elections which are not applicable to the by-elections now under consideration are omitted and the paragraph numbers in the present Election Instructions are consequently not consecutive.



population of less than 5,000, are: (a) when the area in question is close to a large city and contains a number of residents who regularly go to the city to work, (b) when there is a constant movement of people coming into and leaving the area, and (c) when the population of the area has recently been largely increased. The common feature in all these cases is that residents of the area are not likely to be so generally acquainted with one another as to make the simpler procedure applicable in rural polling divisions work satisfactorily. In the interval between elections, circumstances which made it necessary to direct certain polling divisions to be treated as urban may have ceased to operate, or circumstances may require polling divisions formerly rural to be now treated as urban. The returning officer, by keeping in touch with changes in his electoral district may obtain from time to time such directions from the Chief Electoral Officer on this subject as may seem to be necessary, and the areas within which the polling divisions are to be treated as urban will be those the Chief Electoral Officer instructs the returning officer to so treat at the time the election is directed to be held.

### 3. INITIAL DUTIES ON RECEIPT OF WRIT

**16. Duties on Issue of Writ.**—The writ for any election directed to be held in the electoral district will be sent to the returning officer by the Chief Electoral Officer, and its receipt, or telegraphic advice of its issue, will constitute the returning officer's instructions to take the necessary steps to hold an election. His first duty is to endorse upon the writ the date upon which he receives it, and his next duty is to issue a proclamation designed to give the public information in regard to the holding of an election. A specimen proclamation will be included in the first consignment of forms; in this the necessary particulars will be inserted, and the specimen form so completed should be handed to the printer without delay, since the proclamation must be distributed within two days to all postmasters in the electoral district. With each copy, there must be enclosed, in the envelope supplied for the purpose, a form of notice telling the postmaster what his duties are. The Post Office Department furnishes to every postmaster a Postal Guide which contains, towards the end, a list of the post offices in Canada by electoral districts. The returning officer should borrow a copy of the Guide from the nearest postmaster and from it address the envelopes containing his proclamations and advices to postmasters. At the same time as these are sent to the postmasters one copy will be forwarded to the Chief Electoral Officer, one to the Auditor General and five to each candidate at the pending or the preceding election. These copies and those for the postmasters are all that the Act requires,<sup>1</sup> but sometimes it may be useful to send by mail copies for posting at school houses and perhaps churches. No expenditure except for postage will be incurred.

Endorsement  
of writ and  
issue of  
proclamation.

Form 21.

Sec. 37 (1).

Form 114.

Form 85.

Sec. 37 (4).

<sup>1</sup> The procedure is different in the Yukon Territory. See Sec. 37 (2).

Printed  
description  
of polling  
divisions.

Form 25.

**17. Setting Up Notice of Grant of Poll.**—The proclamation is not required to contain any description of the boundaries of the polling divisions, but returning officers will be well advised to have these descriptions set in type at once in the form in which they will ultimately appear in the Notice of Grant of Poll if one is required. Proofs pulled from this type will be found useful in instructing the revising officers and rural registrars, and a proof may be delivered to each candidate who desires it, provided, of course, all candidates in the field are treated alike in this respect.

#### 4. URBAN LISTS AND THEIR REVISION

Communica-  
tion with  
*ex officio*  
revising  
officer.

Sec. 32, Sch.  
A, R. 13.

**22. Ex-officio Revising Officers.**—The first duty of the returning officer in respect of the revision of the urban lists is to communicate with the *ex-officio* revising officer in order to ascertain by whom the lists are to be revised. In all the provinces except Quebec the *ex-officio* revising officer is the judge of the county or judicial district (or the judges of the counties or judicial districts) in which the electoral district lies.<sup>1</sup> If there are two judges for a county or district the advice should be sent to the senior of them. In the province of Quebec the *ex officio* revising officer is the Senior Superior Court Judge (or Judges) of the judicial district (or districts) in which the electoral district lies, except in the Judicial Districts of Montreal and Quebec, in which he is the Chief Justice or Acting Chief Justice, as the case may be, of the Superior Court. The returning officer's communication to *ex officio* revising officer should include a copy of the proclamation and a list of the names and addresses of all urban registrars in his judicial district. It should also indicate or enclose a printed proof describing the boundaries of the polling divisions so as to enable the judge to decide whether he will appoint any additional or substitute revising officers, and if so, with what urban area each of them is to be entrusted. The judge should be asked to be good enough to send forward to the returning officer the names and addresses of the substitute revising officers he appoints and a definition of the area in which each is to exercise his jurisdiction.

Distribution  
of supplies  
to revising  
officers.

List 3.

**23. Supplies for Revising Officers.**—The supplies each revising officer will require will be sent him as soon as it is known for what area he will act. If the *ex officio* revising officer does not propose himself to revise any voters' lists no supplies need be sent him, but otherwise he and his substitutes will all receive the same kind of supplies, though all will not need the same number of some of the forms. A revising officer who is to revise the lists for twenty or more polling divisions should be supplied with a map on which their boundaries are plotted.

#### 5. CORRECTION OF RURAL LISTS

Appointment  
of rural  
registrars.  
Sec. 32,  
Sch. B, R. 1.  
Forms 5, 6.

**25.\* Appointment of Rural Registrars.**—If there are any rural polling divisions in the electoral district the returning officer should promptly take steps to select for each rural division a rural registrar, who will be appointed in writing and will

<sup>1</sup> The boundaries of judicial districts in Saskatchewan and Alberta can be conveniently ascertained from Waghorn's Guide. They will of course be found in the provincial statutes.



swear an oath of office. The person selected must be resident within the polling division for which he is to act unless there is no resident of it who is competent to perform the duties. A rural registrar does not as such require an office. For the purpose of correcting the list he must remain at a specified place on four or five afternoons between two and six o'clock, but the most convenient place for him to remain is his farm, shop or ordinary office. To any candidate or any person authorized in writing by any candidate, the returning officer will give full information as to the names and addresses of the registrars and as to the polling division for which each is appointed. A complete list of them giving their addresses will be sent to the Auditor General not later than two weeks before polling day. It is not necessary to send a corresponding list to the Chief Electoral Officer.

**26. Mode of Selecting Registrars.**—The mode in which registrars are selected will depend upon the circumstances; sometimes it can be done by mail, sometimes the returning officer or someone authorized by him will have to visit the several rural polling divisions for the purpose. If the latter course is adopted, the deputy returning officer should also be selected on the same visit, and there is no reason why the same person should not act as both rural registrar and deputy returning officer, if this is thought desirable. If, to select the local election officers, the returning officer sends any one other than his election clerk, his representative may be appointed and paid as a messenger and should also be appointed a deputy returning officer for some polling station in order that he may be qualified to take the oaths of office of the registrars whom he selects<sup>1</sup>. Such a representative may sometimes usefully be given general charge of all the polling divisions in some specified part of the electoral district and authorized to act as the general representative of the returning officer in respect of them. The complete list of all the rural registrars will be prepared on the appropriate form and sent to the Auditor General as early as possible in order that the ledgers may be completed in anticipation of the receipt of the rural registrars' accounts, which cannot be paid until this work has been done. It is not necessary to send a corresponding list to the Chief Electoral Officer.

Mode of Selection.

Sec. 6.

List of registrars. Form 123.

**27. Rural Registrars' Supplies.**—In the transmission of supplies to rural registrars it will generally be found more convenient to make use of the mail, and the form letter notifying their despatch should be used with the large envelope supplied. This letter gives, or calls for the giving of the information the rural registrar will require for the proper performance of his duties. If the descriptions of the polling divisions have been set up in type, a cutting from a proof may be attached to the letter of instruction.

Distribution of supplies to rural registrars.

Form 74.  
Form 121.

**28. Replacement of Rural Registrars.**—Any rural registrar who dies or refuses or is unable to act will be replaced at once. The substitute must take the oath and should be given

Rural registrar dying or failing to act.

<sup>1</sup> If the messenger is a justice of the peace, notary public or commissioner for taking affidavits, it will of course not be necessary to appoint him as a deputy returning officer.

Sec. 32,  
Sch. B,  
R. 6.

a fresh supply of forms or an order on the superseded registrar for the delivery of the supplies and any portion of the list so far completed. A division of the fees will be made between the two registrars, or in a proper case a special allowance will be authorized.

#### 6. ANTICIPATORY PREPARATIONS FOR POLL

Printing  
Notice of  
Advance Poll.

**29. Notice of Advance Poll.**—No arrangements for the holding of a poll can be finally made before nomination day. Unless, however, it appears to be certain that the election will be by acclamation, there are a number of things which the returning officer should do before nomination day in anticipation of a poll being required. For instance, in electoral districts in which the nominations close only seven days before polling day,<sup>1</sup> the Notice of Advance Poll must be printed off before nomination day, since the statute requires it to be posted up for seven days before the poll; in these electoral districts it must, therefore, if there is to be a contest, be posted up on the afternoon of nomination day itself. Accordingly, if any advance poll is authorized to be established in the electoral district, the necessary information to complete the form of Notice of Advance Poll should be obtained from the revising officers and rural registrars concerned in good time, and the printing of the Notice should be completed so that it may be ready when required. The quantity ordered will be sufficient to permit six copies to be posted for every three thousand of the population of every place for which an advance poll is established (or of that part of the place included in the electoral district) and to provide five additional copies for each advance polling station. In the Notice of Advance Poll only those revising officers or rural registrars will be mentioned who are acting for polling divisions in the place or one of the places in the electoral district for which an advance poll is authorized to be established. No other revising officers or rural registrars are authorized to issue advance poll certificates and should not be furnished with certificate forms.

Form 53.  
Sec. 102 (9).

Forms 54, 55.

Obtaining  
ballot boxes.  
Sec. 70.

**30. Ballot Boxes.**—Early in the election the returning officer should obtain the ballot boxes which he will find in the possession of custodian who will be notified to him by the Chief Electoral Officer, as will be also the number of ballot boxes, padlocks, and keys which the custodian should have. If there is any deficiency, a report should be made to the Chief Electoral Officer immediately, and if any of the ballot boxes require slight repairs, the returning officer may have these made, but not more than \$10 should be expended for this purpose without reference to the Chief Electoral Officer. Missing corks need not be replaced. Such of the supplies for each polling station as are ready should be put into the boxes and to each the address label may be affixed, even if the name of the deputy returning officer to whom it is to go is not yet known. Everything possible should be done to have the boxes ready for speedy distribution as soon as Notice of Grant of Poll and the ballots have been printed after nomination day.

Forms 84, 86.

Form 25.

<sup>1</sup> Nomination day is seven days before polling day in all electoral districts except those mentioned in Schedule 3; in these, nominations close a week earlier, the interval before polling day being fourteen days.



**31. Selection of Polling Stations.**—In all polling divisions arrangements for the use of premises as polling stations should also be well forward before nomination day. Particularly is this true of those electoral districts in which the interval between nomination and poll is only seven days, since the polling stations selected must be specified in the Notice of Grant of Poll, and after nomination day the returning officer will have no time to select polling stations if his Notice of Grant of Poll is to be ready for distribution throughout the constituency a reasonable time in advance of polling day. These anticipatory arrangements for polling stations must, of course, be conditional upon the poll being required, but by nomination day the returning officer should know where each of his polls is to be, and the description of each of them should, as it is selected, be inserted in one of the proofs of Notice of Grant of Poll, which should, as has been suggested, have been set up in type immediately after the commencement of the election.

Selection  
of polling  
stations.

Form 25.

Form 25.

**32. Location, etc., Polling Stations.**—There must be at least one polling station within the boundaries of each polling division, and if there are more than three hundred voters on the voters' list for any division, an additional polling station must be established for every additional three hundred voters or fraction thereof. Besides these, additional polling stations may be established in any other case in which the Chief Electoral Officer's approval has been obtained. If in any division more than one station is required, all the stations should be as close together as circumstances permit, and if possible in the same building, since the distribution of voters between them will be alphabetical and not geographical. Polling stations should, if possible, have two doors, one for entry and one for departure, and there must be in each at least one compartment, and preferably two or even more, in which voters may be screened from observation in marking their ballots. Such compartments may conveniently be made by hanging curtains across the corner of the room. A small table or desk to which a pencil may be attached will be required for each compartment and, for the use of the deputy returning officer, poll clerk and agents, a larger table and at least four chairs will be necessary. The arrangements for the advance polling stations will be the same as those for ordinary polling stations, but only one advance polling station need be provided for any place for which the advance poll is authorized, even if the electoral district consists of the whole or a large part of it. The premises to be used for an ordinary poll should not also be used for the advance poll since the votes must be counted at both classes of polls at the same time.

Location of  
and furniture  
for polling  
stations.

Sec. 34.

Sec. 55 (1).

Sec. 55 (2).

Advance  
polling  
stations.

Sec. 102 (21).

**33. Deputy Returning Officers.**—Included among the supplies sent forward for the use of the returning officer (List 1) will be found a form for the appointment of his deputies with, attached to it, a form of oath which each deputy should send back to the returning officer as soon as the oath has been sworn. There will be little time for the selection of deputy returning officers after nomination day and as many as possible should be appointed in advance and sworn, although such appointments

Selection  
of deputy  
returning  
officers.

Forms 7, 8, 92.

Sec. 35 (2).

will be tentative only, and, in the event of the return being made by acclamation, these deputies will not be entitled to any remuneration. The law requires that every deputy should be resident in the electoral district and, other things being equal, it is generally advantageous that he should be resident in the polling division for which he acts, especially in rural areas. The deputies for rural polling divisions should be selected at the same time as such divisions are visited in order to appoint rural registrars. In any such case, the deputy might also be instructed at once to select his poll clerk and notify the returning officer of the latter's name and address; otherwise the returning officer's list of poll clerks will not, as it should, be complete before polling day.

Para. 51,  
*infra*.Preparations  
for printing  
ballots.

Sec. 50,

Form 28.

Sec. 50 (3).

**33a.\* Preparations for Printing Ballots.**—If a contest is probable, arrangements should be made in advance of nomination day for the printing of the ballots. Full instructions as to their form and contents are given on the sample sheet included in Parcel E of List 1. This sample sheet should be handed to the printer in good time and, if convenient, the sheets of ballot paper he will probably require may also be delivered to him. The numbers on these sheets will be carefully recorded in order that they may be checked against the number of printed ballots when these are received. The paper for the ballots is specially made for the Dominion Government, it is of special quality and the sheets are numbered in order that no stray ballots may be afloat in the constituency. Although no actual printing can safely be done until after the close of nominations, what is going to happen will often be known in advance sufficiently definitely to permit the printer to make advance preparations for the printing of the ballots. Sometimes when all the probable candidates have been nominated early, the matter relating to them may even have been set up in type, so that the presses can commence to run a few minutes after three o'clock on nomination day, when the time expires for the making of an agreement among the candidates as to the order of their names on the ballots.

## 7. NOMINATION OF CANDIDATES

Notice of  
appointment  
of official  
agents.

Sec. 79 (1).

**34. Appointment of Official Agents.**—The returning officer may at any time be notified of the name and address of some person who is to act as official agent for a person who is going to be a candidate. This notice may be given in advance of the formal nomination, it may be given at the same time as the nomination is made, or it may be delayed until after nomination, but by the evening of nomination day an official agent must have been named for every candidate in the field. If the appointment of an official agent is notified to the returning officer before nomination day, whether this is done independently of the formal nomination or by endorsement on an early formal nomination paper, the returning officer will insert in some newspaper circulating in the constituency a short, simple notice of the fact that the candidate has made the appointment and of the name and address of the official agent.<sup>1</sup> A single publication will suf-

Sec. 79 (1).

<sup>1</sup> The notice may be in the following form: "Dominion Elections Act. Electoral District of . Notice is hereby given that , one of the candidates at the pending election in this electoral district has appointed as his official agent , whose address is . Dated at (R. O.'s name.) Returning Officer."



office. Such a notice of the appointment of any official agent whose name and address are furnished to the returning officer on nomination day itself will not be published unless the election is by acclamation and no Notice of Grant of Poll is to be issued; if there is a contest, the Notice of Grant of Poll will include the names and addresses of all official agents and no newspaper notice need be given of the appointment of official agents notified to the returning officer immediately before it is to be distributed. If, at any time after the appointment of an official agent has been notified to the returning officer, the person named by any candidate dies or becomes legally incapacitated, the candidate must appoint a new official agent and notify the returning officer, who will give the notice of the change by advertisement in a newspaper unless the notification of the new appointment is received just before the publication of the Notice of Grant of Poll.

Form 25.

Sec. 79 (2).

**35. Nominations.**—Among the supplies sent to returning officers for distribution to candidates (List 7) will be found some forms of nomination paper, which should be distributed as early as possible to prospective candidates, since, if they are used, mistakes in the preparation of nomination papers are much less likely to be made, and the returning officer's responsibility in accepting nominations will thus be much reduced. Candidates need not wait until nomination day to be formally nominated, but may be so at any time upon delivery to the returning officer of the nomination paper and deposit, which the returning officer is bound to accept whenever and wherever they are tendered to him. Since it is only upon formal nomination that candidates have a right to receive statements of the changes made in the lists of voters, the returning officer must promptly notify all rural registrars of any nominations he receives. Revising officers should also be notified so that they may furnish statements of changes and additions to the nominated candidates. Only one candidate may be nominated in each nomination paper and, upon receiving any such paper and the necessary deposit, the returning officer will

Nominations

Forms 22, 23.

Sec. 40 (5).

Sec. 32,  
Sch. A. R. 8  
(c), Sch.  
B, R. 3.

Sec. 40 (6).

- (a) very carefully examine the nomination paper and ascertain that the candidate's name, his occupation and his residence are sufficiently stated in it, and that it has been signed by at least ten persons; Sec. 40 (5).  
Sec. 40 (6).
- (b) require the oath of attestation to be filled in with the full name, address and occupation of the witness to the signature of the nominators, have this signed, administer the oath to the witness, and himself sign the certificate that it has been sworn; (if there is more than one attesting witness, a separate oath must be sworn by each); Sec. 40 (7).  
Sec. 40 (8).
- (c) require the completion of one of the two alternative sets of forms on the back of the nomination paper (acceptance or nomination, etc., or statement of candidate's absence, etc.), administer the necessary oath and sign the certificate that this has been sworn; Sec. 40 (9).  
Sec. 40 (7).  
Form 22.

- Sec. 40 (9). (d) if the deposit is in the form of a cheque, satisfy himself that this is for \$200, and that it is payable to the Receiver General of Canada and has been accepted by a chartered bank, or if the deposit is in cash, see that he has received the proper amount in gold, in Dominion notes, or in the notes of a chartered bank, and finally
- Sec. 40 (10). (e) issue his receipt, which may be in the following form:—  
 “Received \$200, being the deposit required in connection with the nomination of (*name of candidate*).  
 Dated, etc. (*Signature*). Returning Officer for

Receipt and  
disposition  
of deposit.

Sec. 16.

Sec. 40 (10).

**36. Receipt for and Disposition of Deposit.**—The issue of this receipt has the effect of curing almost all the possible irregularities in a nomination paper and deposit, and generally constitutes the final acceptance of the candidate as such. A returning officer who issues his receipt for a deposit when either it or the nomination paper is irregular probably incurs a heavy personal liability. He must consequently exercise the utmost care properly to perform his very important duty of satisfying himself of the regularity of the nominations he accepts. Immediately after the issue of a receipt for a deposit it will be transmitted to the Auditor General. The cheque itself will be sent forward if the deposit has been made by cheque; otherwise the cash will be taken to a bank and the returning officer will request the issue to him of a draft and deposit receipt in the special form used by all banks when money is paid in on the Receiver General's account. This special form is in four parts, a draft and three attached receipts. One of the receipts the returning officer will retain for his own files; the other two and the draft he will send to the Auditor General, with an advice describing the candidate on whose behalf the deposit has been made.

Attendance  
on nomination  
day.

Form 21.

**37. Attendance at Nominations.**—On nomination day, which will ordinarily be either the seventh or the fourteenth day before a polling day, the returning officer and the election clerk must, no matter how many nominations have been already received, attend at 12 o'clock noon, standard time, at the place fixed by the proclamation, and remain there until 2 p.m. The returning officer will during this time receive any further nominations which may be tendered to him, swear the affidavits, issue the proper receipts and, on the same afternoon, remit the deposits to the Auditor General.

## 8. ACCLAMATION

Return by  
acclamation.

Sec. 41 (1).

**38. Return After Acclamation.**—Even if no more candidates are nominated than there are members to be returned, the returning officer will at once transmit the deposit or deposits to the Auditor General in the manner described in paragraph 36. He will also at once make on the back of the writ the proper form of endorsement of the return and deliver a copy of this to the candidate elected. The writ and all the other papers will be forwarded to the Chief Electoral Officer by registered post in three lots (of which the first should be despatched immediately and the other as soon as possible) as follows:—



*First Lot (in envelope, Form 70).—*

- (a) The writ properly endorsed (Sec. 41 (1) ).
- (b) The nomination paper or papers.
- (c) The returning officer's report (Form 91).
- (d) The receipt for the return to the custodian of the ballot boxes, if they have been obtained from him (Form 59).
- (e) The returning officer's record (Form 89).

*Second Lot (in bags with tag, Form 80, attached).—*

- (a) The ballot paper.

*Third Lot—(In bags, with tag, Form 80, attached:—(a), (b),*

*(c) and (d) to be separately parcelled but may be included in the same bag for mailing).—*

- (a) Oaths of registrars, urban and rural.
- (b) Index books and lists of voters prepared by rural registrars.
- (c) All unused forms and supplies.
- (d) All rubber stamps supplied.

**39. Lists and Accounts.**—Revising officers should be at once notified if there is an acclamation; in those constituencies in which the interval between nomination and poll is fourteen days, the urban lists need not be printed, and even in those electoral districts in which the interval is only seven days some slight economy may be effected by omitting to print off those lists which have not been already printed by nomination day. In the former class of electoral districts rural registrars should also be advised of the acclamation since it will not be necessary for them to complete the preparation of their final lists, and the returning officer will obtain from them the preliminary lists in the state in which they then are. All accounts relating to the election should be got in, certified on the appropriate forms, and sent forward to the Auditor General. A special report should be made to him dealing with any expenses incurred looking to the holding of a poll, and in this the situation which made it appear that a poll was likely to be held should be indicated. If this report is carefully made, much correspondence is likely to be saved. The candidate returned should also be supplied with the forms relating to the return of his election expenses, if he has not already received them.

Stopping preparations for poll and getting in accounts.

Forms 105, 107, etc.

Forms 49-52.

## 9. POLLING

**40. List of Candidates: Their Deposits and Expense Forms.**—If more candidates are nominated than there are members to be returned, the first duty of the returning officer is to prepare, at two o'clock on nomination day, a complete list of all the candidates in nomination, giving their names, addresses and occupations exactly as these appear on the nomination papers and will appear on the ballots. A certified copy of this list will be furnished to each candidate who applies therefor, and copies will also be sent immediately to the rural registrars, the revising officers, the Chief Electoral Officer and the Auditor General, to the latter of whom any deposits not yet sent forward will, at the same time, be remitted in the form either of accepted cheques or deposit receipts payable to the Receiver

List of candidates.

Sec. 40 (14).

Deposits.  
Sec. 40 (10).

Expense  
forms.  
Forms  
49-52.

General. If the candidates have not already obtained copies of the forms relating to election expenses, this is a good time to furnish them to them or to their official agents. The sections of the Act on the subject of the return of expenses and the declarations covering it contain very stringent provisions, and candidates should have their attention directed to them as early as possible.

Notice of  
advance  
poll.  
Form 53.

**41. Notice of Advance Poll.**—In electoral districts in which the interval between nomination and poll is only seven days, instructions should be given for the posting of the Notice of Advance Poll on the afternoon of nomination day, if there is to be a contest. This Notice is required to be posted seven days before the poll, and there should seldom or never be any difficulty in having it posted on time. It need, of course, be posted only in those places in which an advance poll is authorized to be established.

Notice of  
grant of  
poll.  
Form 25.

**42. Notice of Grant of Poll.**—The Notice of Grant of Poll should, as already suggested, have been set up in type at the commencement of the election, and the description of the polling stations selected from time to time should have been written into the proof as arrangements for them have been made. After the nomination it should, therefore, only be necessary to add the formal parts of the Notice (if these have not already been set up) and to insert the names, etc., of the candidates and their official agents. If polling stations have not already been selected for all the polling divisions, any station for which provision has not yet been made should be obtained immediately, and if there are only one or two polling stations lacking, it will be better to omit these from the Notice of Grant of Poll than to delay it; in such a case public notice of the polling stations not described may be supplied later by hand bills locally distributed in the polling division affected. In electoral districts in which there is an interval of fourteen days between nomination and poll, the Notice should be ready for distribution at least ten days before polling day, and in electoral districts where the interval is only seven days, its distribution should be made at least within forty-eight hours after the close of nominations. Copies of it will be sent by mail, in the envelope supplied for the purpose, to all postmasters in the electoral district<sup>1</sup>, with a copy of the notice to them of their duties in respect to posting it up. A copy of the Notice will also be put into the ballot box for each ordinary poll and two copies will be sent immediately to the Auditor General, two to the Chief Electoral Officer and ten to each candidate.

Form 25.

Form 114  
Sec. 44 (2, 3)  
Form 85.  
Sec. 44 (4).

Printing of  
ballots.  
Sec. 50 (1).

**43. Printing of Ballots.**—The arrangements already made for the printing of the ballots should be carried to completion as soon as possible. The names of the candidates will be arranged on the ballot alphabetically according to the initial letter of their surnames, unless they otherwise specially agree before three o'clock on nomination day. Their names, as well as their occupations and addresses, will appear on the ballots in exactly the same form as in the nomination papers.

<sup>1</sup> The procedure is different in the Yukon. See section 44 (2).



**44. Number of Ballots.**—The number of ballots to be printed will, of course, depend upon the probable number of qualified voters in the electoral district, as determined or estimated by reference to the number of names on the voters' lists, but it will also depend in part upon whether the polling divisions are generally urban or generally rural. The lists for urban polling divisions being closed, it is necessary to provide only a small margin of ballots over and above the number of names on the lists, since only the spoiling of ballots need be provided against. But in rural polling divisions a larger margin must be allowed, since the lists are not closed and the supply of ballots must be such as to permit voting by voters whose names do not appear upon them. To each urban polling station it will therefore be sufficient to distribute 5% more ballots than there are names on the list, but to each rural polling station 20% more should be sent. A further reserve supply of 10% should, however, be printed. In electoral districts in which there is only a seven day interval between nomination and poll, the returning officer will, before the ballots are printed, be able to inform himself as to the exact number of voters on the list for every polling division, but in an electoral district in which the interval is fourteen days, he will have this information only from revising officers as to the urban lists; the final lists for rural polling divisions will not have been completed, but the returning officer, from the lists used at the previous election and distributed for correction, will be able to estimate with reasonable accuracy the number of ballots that will be required in each division, and so to calculate the total number necessary for the electoral district as a whole.

Number of  
ballots  
required.

Sec. 32, Sch.  
B, R. 5.

**45. Numbering, Binding and Checking Ballots.**—The printer will be instructed to number all ballots consecutively from one upwards to the number of the last ballot printed and to bind them in books, of which some will contain one hundred ballots, some fifty, and some only twenty-five. Approximately the first sixty per cent of the total quantity of ballots should be bound in books of one hundred, the next twenty per cent in books of fifty, and the remaining twenty per cent in books of twenty-five. The numbers of the ballots bound in books of each size should be consecutive, in order that a record can readily be kept of the distribution of ballots to deputy returning officers. Upon the completion of the printing of the ballots, the printer must be required to swear an affidavit in the form provided. This should be sworn at the same time as the last of the ballots are delivered and the returning officer will see that any unused sheets of ballot paper are delivered back to him.

Numbering  
and binding  
ballots.

Sec. 50 (4).

Sec. 50 (4).

Form 56.

**46. Stamping the Ballots.**—The Chief Electoral Officer is required to obtain and forward to each returning officer an "official stamp" for the purpose of stamping the ballots and thus making the improper use of unauthorized ballots so much the more difficult. The statute for good reasons directs the issue of only one stamp and more than one will in no circumstances be supplied. The ballots cannot be stamped until after they have been printed, and the work will generally require to be carried on by two persons of whom one handles the ballots and the other the stamp. By such an arrangement it will be found

Official  
stamp on  
ballots.

Sec. 36 (2).

Sec. 45 (3).

readily possible to stamp about 4,000 ballots an hour, and the stamping will consequently delay the distribution of supplies for the polls by only a few hours even in the largest electoral districts. The impression will be made on the back of the ballot as indicated in the form.

Form 28.

Final  
arrange-  
ments for  
poll.

Form 93  
or 94.

Sec. 34.

Sec. 65 (1).

Form 25.

**47. Completing Arrangements for Polling.**—As soon as the printing of the ballots has been put in hand, the arrangements for the holding of the poll should be completed. Deputy returning officers should be appointed for every polling station for which appointments have not already been made, and to each revising officer and rural registrar there should be sent a form letter giving him the name and address of the deputy or deputies to whom he is to deliver lists of voters. If it has turned out that there have been an unexpectedly large number of names added to the list of voters for any polling division, any additional polling stations required in such division should be quickly secured and deputy returning officers appointed for them, the revising officer or rural registrar concerned being notified accordingly. Whenever two or more polling stations have been established for any polling division, the returning officer should see that a constable is, if necessary, appointed to direct the voters in that division to their proper polling station; it may sometimes be found convenient to supply each of the deputy returning officers with a copy of the list for the whole polling division, but if this course is taken, each deputy should be warned to permit to vote at his polling station only those voters within his proper section of the alphabet. If from the Notice of Grant of Poll the description of the polling station for any polling division has been omitted, hand bills describing its location should immediately be obtained and arrangements made for their local distribution in the polling division affected. Revising officers must be notified in good time of the number of candidates nominated, in order that they may have the proper number of lists printed, and all candidates must, of course, be kept advised of any changes in arrangements made from time to time.

Sending  
out supplies  
for polls.

Form 25.

**48. Supplies for Polls.**—As soon as the ballots and the Notice of Grant of Poll can be put into the ballot boxes, the despatch of the boxes to deputy returning officers should commence. In large electoral districts, the boxes for the more distant polling divisions will probably have to be sent by messenger, in which event the returning officer will take care that each messenger sent out takes with him all the boxes for a given part of the electoral district, so that it may not be necessary for two or more messengers to cover the same ground. When time permits, the boxes will be sent by mail, in which case the returning officer will pay the postage thereon at parcel post rates and they will be registered, special arrangements for their being so having been made with the Post Office Department and instructions issued to postmasters accordingly. In city electoral districts, and perhaps in some other localities, each deputy returning officer can be instructed to come to the returning officer's office and get his box; provision is made for the payment of the deputy's travelling expenses in such cases. The key of each ballot box, in its special envelope, should be

Form 99.



sent concurrently with it, accompanied by the covering letter of instructions, the key and the letter being put into the window envelope supplied for the purpose.

Form 81  
or 82.

Form 97.

**49. Instructions for Return of Ballot Boxes.**—The mode in which the ballot boxes are to be returned to the returning officer should be settled at the time of their distribution, and instructions issued accordingly. In city electoral districts, and perhaps in some other localities, each deputy returning officer should be instructed to bring his ballot box to the returning officer's office immediately after the counting of the votes. In most rural areas, however, the deputy returning officer should be instructed to send in his ballot box (and the key and polling station account separately in the proper envelope) by post, registered, under section 67 (9) of the Act, which provides for their going post free. The collection of ballot boxes by messenger should be resorted to only when the mail service is such that resort to it would unduly delay the final addition of the votes and the despatch of a messenger will make a substantial difference. Any messenger or other person, except the deputy returning officer or a postal official, in whose possession any ballot boxes are to be between the close of the poll and the delivery of the boxes to the returning officer or election clerk, should be appointed in writing by the returning officer and must make, when he has delivered the ballot boxes, the prescribed oath as to their condition.

Collection  
of ballot  
boxes after  
poll.

Form 87.

Form 47.

Sec. 67 (7).

**50. Replacing Deputy Returning Officers.**—The duties of any deputy returning officer who refuses or is unable to act will be performed by his poll clerk, if no substitute deputy returning officer is appointed by the returning officer, but a substitute must be so appointed if the first deputy returning officer selected has not appointed a poll clerk, and the returning officer may himself, if he thinks fit, act as deputy returning officer at any poll without taking any additional oath. This course is, however, not recommended.

D.R.O.'s  
refusing  
or unable  
to act.

Sec. 48 (1).

Sec. 48 (3).

### 51. Lists of Deputy Returning Officers and Poll Clerks.

—On the third day before polling day a list of deputy returning officers showing their respective polls will be made up from the returning officer's Record on the form supplied, and copies will be immediately sent to each candidate and one will also be sent to the Auditor General in order that the ledger sheets may be prepared in anticipation of the payment of deputy returning officers' accounts. By noon on the day before polling day a further list will be made from the Record; this will include the names of both deputy returning officers and poll clerks (so far as the latter are known<sup>1</sup>), with their addresses and occupations, and will be posted up in the returning officers' office. The Record itself may serve the purpose without recopying if its preservation can be assured.

Lists by  
polling  
stations of  
election  
officers  
thereat.

Form 122.

Sec. 45.

(4) (b).

Sec. 47.

**52. Overseeing Polling.**—During the polling, both before polling day when advance polls are being held and on polling day itself, the returning officer should be available to oversee the proper conduct of the election and direct deputy returning officers who require guidance. This duty can ordinarily best be performed from the returning officer's office.

Directing  
D.R.O.'s  
during polling.

<sup>1</sup>In electoral districts in which there is an interval of only seven days between nomination and poll any deputy returning officer appointed only when the ballot boxes are ready for distribution may not have had time to send to the returning officer the notification (Form 96) giving the name and address of the poll clerk.

Disposition  
of  
accounts.  
Form 106.

Form 101.

**53. Accounts.**—All rural registrars' and deputy returning officers' accounts should be received soon after polling day. As they are received they should be verified, attached to a list and despatched to the Auditor General. An extra supply of blank polling station account forms will be sent with the supplies mentioned in Parcel H of List I. These forms may be used to replace mislaid or improperly drawn accounts. It is not necessary to wait until all of any class of accounts have been received before sending them forward; the earlier they are despatched the earlier they will be paid, and there is no reason why election officers who act promptly should not gain the benefit of their promptness. As delayed or irregular accounts are received in good order additional lists can be sent forward. Each list, either original or subsequent, should, however, be confined to a single class of accounts, and on each list covering the accounts of registrars or deputy returning officers, the several accounts mentioned in it should appear in the order of the polling division numbers and the attached accounts should themselves be arranged in the order upon which they appear on the list. The certificates of the correctness of accounts should be signed by the returning officer in his own handwriting and not by rubber stamp.

Inspection  
and sealing  
up of  
ballot  
boxes upon  
receipt.  
Sec. 68 (1).  
Form 116.

**54. Receiving Ballot Boxes.**—Upon the receipt of each ballot box it should be inspected to ascertain that the seal affixed by the deputy returning officer is intact, and the returning officer or the election clerk will affix an additional seal of his own, being careful not to efface or cover seals already upon it. All the boxes will be stored and taken care of so as to prevent any person except the returning officer and the election clerk obtaining access to them.

Final  
summing up  
of votes.  
Form 21.  
Form 60.

Sec. 68 (2).

Form 66.

Form 61  
or 78.

Form 90.

**55. Opening Ballot Boxes.**—On the day and at the hour fixed by the proclamation for the final adding up of the votes the returning officer and the election clerk will attend at the place appointed with the ballot boxes. The recapitulation sheets should have had entered on them in advance the numbers and names of the polling divisions, with proper provision for those instances in which there were two polling stations in a division. The seals on the ballot boxes will be broken and the boxes opened in the presence of the candidates or their representatives, the presence of at least two electors being secured if the candidates or their agents are not present. Each box should contain only two envelopes, a small one containing the statement of the poll and a large one containing everything else. As the boxes are opened these envelopes should be examined and if on any the number of the polling division does not appear, the returning officer should endorse it. If the small envelope has not been separately placed in the ballot box the fact will be noted on the recapitulation sheet, and this will also be done if all the other papers have not been properly placed in the large envelope. In this latter case also the envelopes and papers which should have been in the large envelope will be enclosed in the special envelope provided for that purpose, and the certificate on the outside will be filled in and signed by the returning officer. If the large envelope has been sealed it will in no case be opened, even if the statement of the poll is missing and might be inside it.



**56. Disposition of Large Envelopes.**—As the opening of the ballot boxes proceeds and their contents are dealt with as above indicated, the large envelopes will be placed in mail bags. If special bags marked “Chief Electoral Officer” are not available, registered mail bags will be obtained from the local post office for the purpose. The bags will be sealed by the returning officer with sealing wax, properly tagged and safely stored away.

Bagging and storage of large envelopes.  
Forms 61, 78, 90.  
Form 80.

**57. Final Addition of Votes.**—The envelopes containing the statements of the poll will then be opened and the numbers of ballots cast for each candidate and of the rejected ballots will be entered in the recapitulation sheet. In the case of any polling station for which a statement of the poll is not found in the ballot box, the number of votes cast for each candidate will be ascertained from the certificates given or sent to the candidates or their agents at the poll, if these are available, or if not, by summoning the deputy returning officer, the poll clerk or any other person to attend before the returning officer with any papers he has to be examined on oath on the subject. The proper person to summon is the deputy returning officer in fault, and he should be required to attend at his own expense.

Procedure on summing up of votes.  
Form 60.

Sec. 69 (3-5).

**58. Adjournment.**—The final summing up of the votes may, if necessary, be adjourned for the purpose of obtaining information as to the number of votes cast for each candidate, but no adjournment may be for more than one week, and all the adjournments must not together exceed two weeks. The returning officer may also adjourn subject to the same limitations of time if any ballot boxes have not been returned by any deputy returning officer. If there is reason to believe that any ballot box has been destroyed or lost the returning officer will hold an inquiry and may summons the deputy returning officer or any other person to produce the papers and verify the number of votes cast for each candidate.

Adjournment of summing up and inquiry as to missing ballot boxes.  
Sec. 69 (1-5).  
Sec. 69 (2).  
Sec. 69.  
(3, 4, 6).

**59. Declaration.**—When the number of votes cast for each candidate at each polling station and the total for the electoral district have been ascertained the returning officer will declare elected the candidate who has received the majority of votes. This declaration must be made in writing and will be written on the final page of the recapitulation sheet in the following form: “I, on this..... day of..... 19.... declare..... elected.” If the two candidates standing highest in the poll have received an equal number of votes, the returning officer, whether qualified to vote in the electoral district or not, will give his casting vote, in which event he will add at the end of the form of declaration “by my vote.” The returning officer will sign the declaration, and a copy of it, including the returning officer’s signature, will be handed to any candidate present or his representative. If any candidate is neither present nor represented, the returning officer will transmit a copy to him by registered mail.

Declaration of election.  
Sec. 68 (3).

**60. Storing Ballot Boxes.**—The ballot boxes will be deposited in the custody of the officer in charge of a federal building, if any, at the place at which the votes were finally

Storage of ballot boxes.  
Sec. 70.

counted, or if there is no federal building there, then with the postmaster, the sheriff of any county or district, or the registrar of deeds of any county or registration division included, or in part included, in the electoral district. If there is no local federal building, the boxes will be stored with that one of the other officers named who can most conveniently take care of them, and if none of the officers named have an office at the place at which the votes are counted, the returning officer will obtain special instructions from the Chief Electoral Officer as to the disposition to be made of the boxes. The key or keys for each padlock will be attached to it, and the padlocks with their keys put into one of the ballot boxes; this will be locked and its key handed to the officer in whose custody the ballot boxes are left. His receipt for the boxes and padlocks will be obtained in triplicate on the form provided for that purpose, and one of the completed forms will be at once sent to the Auditor General.

Form 59.

## 10. RECOUNT

Attendance  
at recount.

Sec. 71 (1).

Sec. 73 (1).

Sec. 71 (5).

Forms 61,  
78 or 90.

**61. Recount.**—If a recount is demanded an application therefore must be made to the judge within four days from the final summing up of the votes, and if the judge makes an order for a recount the returning officer will no doubt know of it before the expiration of the six days which must elapse between the final summing up of the votes and the despatch of the papers to the Chief Electoral Officer. If the returning officer learns that a recount has been ordered he will retain the papers and upon being served with the judge's order he and the election clerk will attend before the judge at the time and place fixed, taking with him the papers specified in the order. The order may require him to bring only the deputy returning officers' statements of the poll or may direct the production of all the ballots. In the latter case the returning officer will take to the judge without opening them the sealed bags containing the large envelopes taken from the ballot boxes. Such of these as the judge directs will be opened in his presence and from the large envelopes will be taken such of the envelopes containing ballots as the judge desires. The large envelopes which are opened will be endorsed by the returning officer with a statement that they were opened before the judge at his direction and any which the judge does not direct to be opened will be left untouched.

Custody  
of papers on  
and at  
conclusion of  
recount.

Sec. 71 (11).

Sec. 71 (11).

**62. Procedure During Recount.**—The returning officer will remain in attendance before the judge on the recount until this is completed. He should, unless the judge otherwise directs, assume the responsibility for any unopened bags, for such unopened large envelopes taken from opened bags as the judge does not desire to examine and for the contents, other than ballots, of opened envelopes. The best way of discharging this responsibility will probably be to reseal the bags and keep them constantly in safe custody. The judge will himself assume the responsibility for all the smaller envelopes containing ballots which are handed to him and of such other papers as he desires to consult. These the statute requires him personally to see parcelled and sealed up during any recess in the sittings. At their conclusion he will seal up all the ballots in separate packages, remitting them to the returning officer. It is not neces-



sary that they should be returned to their original large envelopes or even to their original bags, but may be put all together in a special bag or bags, which should be sealed with special care and tagged to indicate its or their contents.

**63. Declaration After Recount.**—At the same time as the judge returns the ballots to the returning officer he will give to the latter a certificate of the result of his recount. Upon this certificate being received the returning officer will declare elected the candidate having the highest number of votes, voting himself (it may be for the second time) if the judge's certificate is that there is an equality of votes. Whether or not the result has been affected by the recount, he will append to the recapitulation sheet on which his original declaration appears, and sign, a new declaration in these words:—"Pursuant to the certificate of His Honour Judge . . . , I, on this . . . day of . . . , declare . . . elected," again adding, if he has himself voted, the words, "by my vote." As in the case of the original declaration of the election, copies of this second declaration will be delivered to any candidate, or the representative of any candidate, who is present or represented at the time the declaration is made, and if any candidate is neither present nor represented, the returning officer will send him a copy of the declaration by registered mail.

Declaration  
by returning  
officer.

Sec. 71 (12).

Sec. 71 (13).

Sec. 71 (12).

## 11. RETURN

**64. Return After Poll.**—On the seventh day after the day upon which the returning officer has finally summed up the votes or, if there has been a recount, then immediately upon the completion of the recount, the returning officer will endorse upon the original writ of election his return to the writ and he will send copies thereof to each candidate. He will then immediately despatch by registered post to the Chief Electoral Officer all the election papers as follows:—

Return  
after poll.

Sec. 73 (1).

Form 57.

Sec. 71 (12).

*First Lot—(In envelope Form 70).*

- (a) The writ properly endorsed. (Sec. 73 (1) (a).)
- (b) The proclamation (Form 21). (One additional copy.)
- (c) The returning officer's record (Form 89).
- (d) The nomination papers of all candidates.
- (e) The notice of the grant of a poll (Form 25: one additional copy.)
- (f) The notice of holding of advance polls, if any (Form 53: two copies).
- (g) The printer's affidavit properly completed (Form 56).
- (h) Oaths of custodians, if any (Form 47.)
- (i) The recapitulation of votes properly completed (Form 60).
- (j) The receipt for the deposit of the ballot boxes (Form 59).
- (k) The returning officer's report (Form 91).

*Second Lot—(In bags with tag, Form 80, attached—(a), (b), (c) and (d) to be parcelled separately, but may be included in the same bag for mailing).*

- (a) Oaths of deputy returning officers.
- (b) Envelopes (Forms 61, 78 and 90) received from D.R.O's. (These will be unopened unless there has been a recount.)
- (c) Statements of the poll received from D.R.O's.
- (d) The papers, if any, specially dealt with on a recount and not replaced in the packages from which they were taken.

*Third Lot—(In bags with tag, Form 80, attached—(a), (b), (c) and (d) to be parcelled separately, but may be included in the same bag for mailing.)*

- (a) Oaths of rural registrars.
- (b) Index books and copies of lists of voters prepared by rural registrars.
- (c) All unused forms and supplies.
- (d) The rubber stamps supplied.

Returning  
Officer's  
account.

**65. Returning Officer's Account.**—No special form is provided for the returning officer's account. It can readily be made up by reference to the tariff and despatched with the last of the other miscellaneous accounts. Except in special circumstances, the returning officer's account will not be paid until all other accounts relating to the election have been sent in, and the returning officer should include in it a statement that this has been done. Returning officers who so desire can send forward separately for payment direct from Ottawa accounts for the rental of office space, for the general services of the election clerk and other clerical assistance, if any, chargeable against their own remuneration, debiting these items in their personal accounts. If, by reason of special circumstances, a returning officer asks for any allowance in excess of the tariff, full particulars should be given of every expenditure incurred.

## 12. CANDIDATES' ELECTION EXPENSES

Publication  
of summary  
of candidates'  
expenses.

Sec. 80 (1-3).

Forms  
49-52, 115.

Sec. 80 (5).

Sec. 80 (6).

**66. Candidates' Expenses.**—After the returning officer has returned a candidate as elected either by acclamation or after a poll and has certified and sent forward the accounts, his only other duty is to receive within two months returns of and declarations covering every candidate's election expenses and to see that a summary of each of these returns, signed by the candidate's official agent, is printed in a newspaper published or circulated in the electoral district within ten days after it is received. This summary is published at the candidate's expense. The return and all attached papers the returning officer must keep for six months after their receipt and during this time he will permit their inspection and the making of extracts from them. He is entitled to a fee of 20 cents for each such inspection. At the end of the six months the papers may be destroyed or returned to the candidate.



## TARIFF OF FEES FOR ELECTION OFFICERS

Made by His Excellency the Governor in Council on the recommendation of the Chief Electoral Officer pursuant to the provisions of Section 77, Subsection 1 of the Dominion Elections Act and applicable for elections at which the lists of voters are prepared under Section 33 of the Act.

## Sect. I. RETURNING OFFICERS:

1. For personal services, office rent, use of office furnishings and any services of the election clerk not specially provided for; for each polling station necessarily established:
  - (a) If no more candidates are nominated than are to be elected (with a minimum of \$150).....\$ 3 00
  - (b) If more candidates are nominated than are to be elected (with a minimum of \$200)..... 4 00
2. For services of stenographers and general clerical assistance, including stamping of ballots: the amount actually and reasonably paid not exceeding \$1.25 for each polling station (subject, if the election is not contested, to reduction by one-third).
3. For stationery, postage, telegrams and other incidental outlays: the expenses actually and reasonably incurred.
4. For printing proclamations, notices, etc.: the expenses actually and reasonably incurred, subject, if considered advisable, to the approval of the King's Printer.
5. For conveyance of all election officers within any city or part of a city having within the electoral district a population of at least 25,000, in lieu of all allowances under Item 29; for each polling station within such city or part thereof (subject, if the election is not contested, to reduction by one-half) ..... 1 00
6. For attendance at recount under Sec. 71: per day..... 10 00

NOTE.—Except as specified in Item 5, returning officers will, for necessary travel, be entitled to receive the travelling allowances specified in section X below.

## Sect. II. ELECTION CLERK:

7. For services attending at nomination..... 5 00
8. For services attending at adding up of votes..... 10 00
9. For attendance at recount under Sec. 71: per day..... 8 00
10. For services when necessarily employed in travelling: per day of not less than 6 hours of necessary absence from his place of residence ..... 5 00

NOTE.—Except as specified in Item 5, election clerks will be entitled to the travelling allowances specified in section X when they are required to travel for the purposes of the election.

## Sect. IV. REVISING OFFICERS:

11. For posting of lists and notices: the amount actually and reasonably expended, not exceeding, for each polling division ..... 0 50
12. For sittings (including remuneration of clerk for attendance at sittings, if required): for each application to add or remove disposed of (with a minimum of \$25)..... 0 25

13. For certification of lists, preparation and distribution of statements of changes and additions, supervision of printing and comparison and certification of final lists (including all clerical assistance required): for each polling station.. 2 00
14. For printing, etc.: the expenses actually and reasonably incurred subject, if considered advisable, to the approval of the King's Printer.
15. For each transfer certificate and each certificate to vote at an advance poll issued by the revising officer and notified to the deputy returning officer by entry on the list or special advice ..... 0 25

NOTE.—*Ex officio* revising officers will be entitled to the travelling allowance specified in section X below for necessary travel between their places of residence and the places at which they sit to revise lists and between their places of residence and places to which it is necessary for them to go for the purpose of appointing substitute revising officers. Substitute revising officers will not be entitled to travelling allowances.

#### Sect. V. RURAL REGISTRARS:

16. For swearing oath of office, posting lists and notices and preparations for correction of list..... 5 00
17. For attendance to revise and correct list, including certification and delivery of list to deputy returning officer... 10 00
18. For preparing statements of changes and additions for candidates, for each name on each statement..... 0 01
- 18A. For copy of list for returning officer, for each correction on original list, or for each name on list if original list recopied. 0 01
19. For postage: the amount necessarily and reasonably expended.

NOTE.—Rural registrars will not be entitled to travelling allowances.

#### Sect. VI. DEPUTY RETURNING OFFICERS:

21. For services at ordinary polls including all oaths and travel to and from poll when resident within 5 miles of the polling station. . . . . 7 00
22. For services at an advance poll including 3 sittings, counting of votes and all oaths and travel..... 10 00
23. For the use of a polling station for an ordinary poll (including fuel, light, furniture and screen): the actual expenses necessarily incurred not exceeding:
  - (a) in cities of 10,000 and over..... 10 00
  - (b) in other places ..... 5 00
24. For the use of a polling station for an advance poll; in full for all sittings and including fuel, light, furniture and screen; the actual expenses necessarily incurred not exceeding.... 10 00

NOTE.—A deputy returning officer in a rural polling division will, if his place of residence is more than 5 miles distant from the polling station, be entitled to the travelling allowances specified in section X for the total distance of necessary travel to and from the polling station, and will also be entitled to such travelling allowances for necessary travel to obtain or deliver the ballot box. Deputy returning officers in urban polling divisions or at advance polls will not be entitled to travelling allowances.

Sect. VII. POLL CLERK:

- |   |      |
|---|------|
| 25. For services at ordinary poll, including travel to and from<br>poll when resident within 5 miles..... | 4 00 |
| 26. For services at an advance poll: in full for all attendances.   | 7 00 |

NOTE.—Poll clerks will be entitled to the same travelling allowances as deputy returning officers, but an allowance will not be made to both the deputy returning officer and the poll clerk for any journey for the purpose of obtaining or delivering the ballot box.

Sect. VIII. INTERPRETERS AND CONSTABLES:

- |   |      |
|---|------|
| 27. For services when necessarily employed: per day of not less<br>than six hours ..... | 4 00 |
|---|------|

NOTE.—Interpreters and constables are not entitled to any travelling allowances.

Sect. IX. MESSENGERS:

- |   |      |
|---|------|
| 28. For services when necessarily employed: per day of not<br>less than 6 hours.. ..... | 4 00 |
|---|------|

NOTE.—Messengers will be entitled to the travelling allowances specified in section X for travelling necessarily undertaken.

Sect. X. TRAVELLING ALLOWANCES:

- |   |      |
|---|------|
| 29. For necessary travelling including all expenses and services<br>except in the case of a messenger and the election clerk:   |      |
| (a) By rail: per mile.....  | 0 10 |
| (b) By road, except in British Columbia, per mile...  | 0 25 |
| (c) By road in British Columbia, per mile.....  | 0 30 |
| (d) By water, and for any journey by land, in lieu of<br>the foregoing rates at the discretion of the Auditor<br>General: the reasonable and actual expenses neces-<br>sarily incurred. |      |

Sect. XI. INCREASE AND REDUCTION:

30. In any case in which the amounts allowed by the preceding items of the tariff do not, by reason of the size or character of the electoral district or other special circumstance, constitute adequate remuneration to an election officer, the Auditor General may, with the concurrence of the Chief Electoral Officer, allow such increased amounts as are necessary to provide adequate remuneration, and in any case in which, by reason of a candidate being returned by acclamation or other special circumstance, the amounts allowed by the preceding items of the tariff constitute an excessive remuneration for the services actually performed, the Auditor General shall, subject to the provisions of Section 78 of the Act, reduce the sums allowed as the circumstances require.

In any case in which the amounts allowed by any of the items 1 to 29 are increased by the Auditor General and the Chief Electoral Officer, they shall make a joint report to the Secretary of State of the additional sums allowed and the reasons for such additional allowance.



## LIST OF FORMS BY NUMBER

## LIST A

NOTE.—This table is included only to enable the returning officer to ascertain the distribution and locate the instructions for the use of a form of which he knows only the number. The initial letter of the code word for the form will show in which of the distribution lists it first occurs, the initial letter A indicating the returning officers' list, C the revising officer's, D the rural registrars', E the deputy returning officers' (ordinary polls), F the deputy returning officers' (advance polls) and G the candidates' and official agents'.

Book or Form No.	Description	How printed	Code Word
A	Election Instructions (Complete).....	Separately.....	Abecedary.
B	Index Book (Urban registrars).....	Not required.....	Baldachin.
C	Poll Book (Ordinary polls).....	Includes Forms 9, 10, 27, 29, 32, 43-46, 124.	Eassel.
D	Oaths, etc., for D.R.O. (Adv. polls)....	Includes Forms 9, 10, 27, 29, 43-46, 124.	Fabaceous.
E	Index Book (Rural registrars).....	Not required.....	Decumbent.
1	Writ.....	Includes Forms 24 and 48....	Abacus.
2	Oath of R.O.....	Separately.....	Actinism.
3	Appointment of Election Clerk.....	Includes Form 4.....	Actuator.
4	Oath of Election Clerk.....	With Form 3.....	
5	Appointment of Registrar.....	Includes Form 6.....	Actuose.
6	Oath of Registrar.....	With Form 5.....	
7	Appointment of D.R.O.....	Includes Form 8.....	Agamic.
8	Oath of D.R.O.....	With Form 7.....	
9	Appointment of Poll Clerk.....	With Book C or D.....	
10	Oath of Poll Clerk.....	".....	
11	Blank list of voters.....	Separately.....	Banxring.
12	Poster notice.....	Not required.....	Belvedere.
13	Interrogatories (personal applicant)....	".....	Begnaw.
14	Certificate refusal to register.....	".....	Bidentale.
15	Interrogatories (relative or employer)...	".....	
16	Affidavit of Registrar.....	".....	
17	Index Book.....	".....	
18	Affidavit as to disqualification of (urban) voter.	".....	Bierbalk.
19	Notice to (urban) voter.....	".....	
20	Rural Registrar's notice and certificate..	Separately.....	Diapason.
21	Proclamation (specimen).....	".....	Aculens.
22	Nomination Paper.....	Includes Form 23.....	Gastrie.
23	Oath of witness to nomination paper.....	With form 22.....	
24	Return by acclamation.....	With Form 1.....	
25	Notice of Grant of Poll (specimen).....	Separately.....	Addax.
26	Directions to voters.....	".....	Ecudate.
27	Commission for new Poll Clerk by old Poll Clerk.	With Book C or D.....	
28	Ballot papers (Specimen sheet).....	Separately.....	Anacrusis.
29	Oath of agent for candidate.....	With Book C or D.....	
30	Transfer certificate.....	Includes Form 31.....	Candex.
31	Oath on transfer certificate.....	With Form 30.....	
32	Poll Book.....	With Book C.....	
33	Oath of qualification.....	Includes Forms 33-38.....	Elenge.
34	Oath as to error in voters' list.....	With Form 33.....	
35	Oath of voter not on rural list.....	".....	
36	Oath of voucher for voter.....	".....	
37	Oath of personated voter.....	".....	
38	Oath of incapacitated voter.....	".....	
39	Information for personation.....	Includes Form 41.....	Echbole.
40	Information for voting without qualification.	Includes Form 42.....	Ecdysis.
41	Warrant for personation.....	With Form 39.....	
42	Warrant for voting without qualification	With form 40.....	

Book or Form No.	Description	How printed	Code Word
43	Oath of D.R.O. at close of poll.....	With Book C or D.....	
44	Oath of Poll Clerk at close of poll.....	".....	
45	Statement of the poll.....	".....	
46	Certificate of the poll.....	".....	
47	Oath of custodian.....	Includes Form 87.....	Anatta.
48	Return to writ after poll.....	With Form 1.....	
49	Return of candidate's expenses.....	Separately.....	Genius.
50	Official agent's declaration as to expenses.....	".....	Girder.
51	Candidate's declaration as to expenses.....	Includes Form 52.....	Glorious.
52	Candidate's declaration as to expenses (alternative form).....	With Form 51.....	
53	Notice of advance poll (specimen).....	Separately.....	Allabreve.
54	Certificate to vote at advance poll.....	Includes Form 55.....	Canzonet.
55	Declaration of voter at advance poll.....	With Form 54.....	
56	Affidavit of printer.....	Separately.....	Aphony.
57	Copies return to writ.....	".....	Apocotate.
58	Envelope for key of ballot box to R.O.....	".....	Echidna.
59	Receipt for ballot boxes.....	".....	Aspermans.
60	Recapitulation sheet.....	".....	Assiento.
61	Envelope for poll book.....	".....	Eclogite.
62	Envelopes for ballots cast for candidates.....	".....	Ecotate.
63	Envelope for voters' list, etc.....	".....	Ectasis.
64	Envelope for unused ballots.....	".....	Edacious.
65	Envelope for polling station account and ballot box key.....	".....	Edentate.
66	Envelope for statement of poll.....	".....	Efferent.
67	Envelope for rejected ballots.....	".....	Eforce.
68	Envelope for spoiled ballots.....	".....	Egence.
69	Envelope addressed to C.E.O. (No. 11).....	".....	Agouty.
70	Envelope addressed to C.E.O. (fscp).....	".....	Alary.
71	Label for ballot box addressed to R.O.....	".....	Egality.
72	Rural registrar's poster.....	".....	Diplex.
73	Revising officer's poster (specimen).....	".....	Capricorn.
74	R.O. letter to rural registrar with supplies.....	".....	Alphonsine.
75	R.O. letter to urban registrar with supplies.....	Not required.....	Adiantum.
76	Envelope for ballots cast at advance poll.....	Separately.....	Fagotta.
77	Envelope for certificates and unused ballots at advance poll.....	".....	Faincant.
78	Envelope for Book D.....	".....	Faitor.
79	Envelope for spoiled ballots (adv. polls).....	".....	Falcate.
80	Tag addressed to C.E.O.....	".....	Apostil.
81	R.O.'s letter to D.R.O.....	".....	Aquilon.
82	R.O.'s letter to D.R.O. (advance poll).....	".....	Arabine.
83	Specimen list of voters.....	".....	Castellate.
84	Ballot box label addressed to D.R.O. (ordinary poll).....	".....	Alveary.
85	Notice to postmasters.....	".....	Albata.
86	Ballot box label addressed to D.R.O. (advance poll).....	".....	Amaranth.
87	Appointment of custodian of ballot boxes.....	With Form 47.....	
88	Envelope containing stationery.....	Separately.....	Eglantine.
89	Returning Officer's Record.....	".....	Adrad.
90	Envelope for D.R.O.'s irregular return.....	".....	Asterias.
91	R.O.'s report.....	".....	Asteroid.
92	Appointment and oath D.R.O. (advance poll).....	".....	Amberite.
93	Letter to revising officer as to D.R.O.'s.....	".....	Amildar.
94	Letter to rural registrars as to D.R.O.'s.....	".....	Amnion.
95	Envelope addressed to candidate.....	".....	Egophony.
96	D.R.O.'s letter with name of poll clerk.....	".....	Eidolon.
97	Window envelope.....	".....	Alcaic.
98	Envelope for letter Form 96.....	".....	Eleatic.
99	Envelope for key of ballot box to D.R.O.....	".....	Areola.
100	Appointment of agent at poll.....	".....	Gondolier.
101	Polling station account.....	".....	Automatic.
102	Envelope for Forms 18 and 19.....	Not required.....	Bifidate.
103	Urban registrar's account.....	".....	Bipennis.
104	Urban registrar's rent account.....	".....	
105	Travelling expense account.....	Separately.....	Alcatras.
106	List of accounts forwarded.....	".....	Amphoric.
107	Election account (general).....	".....	Alchemic.

Book or Form No.	Description	How printed	Code Word
108	Rural registrar's account.....	Separately.....	Dizzard.
109	Envelope for delivering Form 102 to post- masters.	Not required.....	Blandation.
110	Revising officer's list of accounts.....	Separately.....	Celandine.
111	Envelope addressed to Auditor General (No. 7).	".....	Aldehyde.
112	Envelope addressed to Auditor General (No. 11).	".....	Alembic.
113	Envelope addressed to Auditor General (foolscap size).	".....	Aleuron.
114	Envelope addressed to postmasters.....	".....	Aliquot.
115	Summary of return of candidate's ex- penses.	".....	Aventail.
116	Seal for ballot box.....	".....	Avocado.
117	Revising officer's record.....	".....	Cernman.
118	Appointment of substitute revising officer	Including Form 119.....	Zarnich. <sup>1</sup>
119	Oath of substitute revising officer.....	With Form 118.....	
120	Statement of changes in list of voters....	Separately.....	Dobule.
121	Envelope to rural registrar.....	".....	Alitrunk.
122	List of D.R.O's.....	".....	Argala.
123	List of registrars.....	".....	Amulet.
124	Record of objections to ballots.....	With Book C or D.....	

<sup>1</sup> Not included in any distribution list. See footnote to list 3.



## DOMINION ELECTIONS ACT

## LIST 1

## FORMS, ETC., FOR USE BY RETURNING OFFICERS

Code Word	Form or Book No.	Description	No. for- warded	Referred to in Instrns. para.
PARCEL A.				
Abacus.....	1, 24, 48	Writ of election.....	1	
PARCEL B (Useful when or before writ issues)				
Abecedary.....	A	Election Instructions.....	2	1
Actinism.....	2	Oath of R.O. <sup>1</sup> .....	1	4
Actuator.....	3, 4	Appointment and oath of election clerk <sup>1</sup> ..	1	4
Actuose.....	5, 6	Appointment of registrar (with oath of office).	Various	26, 128
Aculens.....	21	Specimen proclamation.....	2	16
Addax.....	25	Specimen Notice of Grant of Poll.....	2	17, etc.
Adrad.....	89	Returning Officer's Record.....	2	15
Aflaunt.....		Map of electoral district.....	2	-
PARCEL C (Possibly useful on issue of writ)				
Agamic.....	7, 8	Appointment (and oath) of D.R.O., (ordinary poll).	1 per p.d.	33
Agouty.....	69	Envelope addressed to C.E.O. (No. 11).	10	- -
Alary.....	70	Envelope addressed to C.E.O. (fscp.)....	5	38, 64
Albata.....	85	Notices to postmasters.....	2 per P.O.	16, 42
Alcaic.....	97	Window envelope.....	2 per p.d.	48
Alcatras.....	105	Travelling expense account.....	Various	39
Alchemic.....	107	Election account (general).....	30	39
Aldehyde.....	111	Envelope addressed to Auditor General (No. 7).	5	- -
Alembic.....	112	Envelope addressed to Auditor General (No. 11).	10	- -
Aleuron.....	113	Envelope addressed to Auditor General (fscp.).	10	- -
Aliquot.....	114	Envelopes addressed to postmasters.....	2 per P.O.	16, 42
Alitrunk.....	121	Envelope to rural registrar.....	1 per rural p.d.	27
Alkahest.....		Stamp with name of electoral district....	1	8
PARCEL D (Required or possibly useful before or during rural registration)				
Allabreve...	53	Specimen Notice of Advance Poll.....	2	29, 41
Alphonsine.	74	Letter to rural registrar.....	1 per rural p.d.	27
Alveary.....	84	Label for ballot box (ordinary poll).....	1 per p.d.	30
Amaranth..	86	Label for ballot box (advance poll).....	Various	30
Amberite...	92	Appointment (and oath) of D.R.O. ad- vance poll.	Various	33
Amildar....	93	Letter to revising officer.....	Various	47
Amnion.....	94	Letter to rural registrar.....	1 per rural p.d.	47
Amphoric..	106	List of accounts forwarded.....	20-40	53
Amulet ...	123	List of registrars.....	Various	26

<sup>1</sup> Not sent except when required.

FORMS, ETC., FOR USE BY RETURNING OFFICERS—*Concluded.*

Code Word	Form or Book No.	Description	No. for- warded	Referred to in Instrns. para.
<p style="text-align: center;">PARCEL E</p> <p style="text-align: center;"><i>(Required or possibly useful on nomination day)</i></p>				
Anacrusis...	28	Specimen ballot sheet.....	1	43
Anatta.....	47, 87	Appointment and oath of custodian.....	4	49
Aphony.....	56	Affidavit of printer.....	2	45
Apocotate.....	57	Copy of return to writ.....	2	38, 64
Apostil.....	80	Mailing tag to C.E.O.....	Various	38, 56, 64
Aquilon.....	81	Letter to D.R.O. (ordinary poll).....	1 per p.d.	48
Arabine.....	82	Letter to D.R.O. (advance poll).....	Various	48
Areola.....	99	Envelope for key of ballot box.....	1 per p.d.	48
Argala.....	122	List of D.R.O's.....	Various	51
<p style="text-align: center;">PARCEL F</p>				
Armoric.....		Ballot paper.....		43
<p style="text-align: center;">PARCEL G</p>				
Armiger.....		Official stamp for printed ballots.....	1	46
<p style="text-align: center;">PARCEL H</p> <p style="text-align: center;"><i>(Not required until after nomination day or, if there is a contest, until after the poll)</i></p>				
Aspermans..	59	Deposit receipt for ballots boxes.....	6	60
Assiento....	60	Recapitulation sheet.....	5-15	55
Asterias....	90	Envelope for D.R.O's irregular return...	10-30	55
Asteroid....	91	R.O's report.....	3	38, 64
Automatic..	101	Polling Station Account (extra supply) ..	20 % of p.d.	53
Aventail....	115	Summary of return of expenses.....	2	66
Avocado....	116	Seal for ballot box.....	1 per d.	54

## DOMINION ELECTIONS ACT—DIARY OF DUTIES OF RETURNING OFFICERS

Note: All hours are Standard Time. (Sec. 2 (k).)

Check when done	Duties	Para. of Instructions.	Check when done.	Duties	Para. of Instructions.
<b>I. ON APPOINTMENT</b>			<b>V. IN THE INTERVAL BEFORE NOMINATION DAY</b>		
	1. Swear oath of office.....	4		1. Print Notice of Advance Poll, where necessary.	29
	2. Appoint election clerk.....	4		2. Obtain and commence packing of ballot boxes.	30
	3. Forward oaths to C.E.O.....	4		3. Arrange for prospective polling stations.	31, 32
	4. Check and stamp forms received	8		4. Insert descriptions of them in proof of Notice of Poll.	31
<b>II. ON RECEIPT OF WRIT</b>				5. Appoint prospective D.R.O's....	33
	1. Endorse date of receipt.....	16		6. Arrange for printing of ballots..	33A
	2. Fill in and print proclamation.	16		7. Advertise official agents.....	34
	3. Have Notice of Grant of Poll set up in type.	17	<b>VI. NOMINATION</b>		
	4. Distribute proclamation to post-masters and candidates.	16		1. Accept early nomination papers.	35
	5. Send copies to C.E.O. and Auditor General.	16		2. Issue receipts therefor.....	35
<b>III. ON COMPLETION OF PRELIMINARY DUTIES</b>				3. Send early deposits to Auditor General.	36
	1. Communicate with <i>ex officio</i> revising officers.	22		4. Advertise official agents.....	34
	2. Distribute supplies to revising officers.	23		5. Attend nomination.....	37
<b>IV. AFTER ARRANGEMENTS FOR REVISION OF URBAN LISTS HAVE BEEN COMPLETED</b>				6. Supply forms to candidates.....	35, 39
	1. Appoint rural registrars.....	26	<b>VII (a). IN CASE OF ACCLAMATION</b>		
	2. Distribute rural registrars' supplies.	27		1. Send deposit to Auditor General	36, 38
	3. See that registration is proceeding properly.	28		2. Endorse the writ.....	38
	4. Send lists of registrars to Auditor General.	26		3. Return at least first lot.....	38
				4. Advertise official agent.....	34
				5. Notify revising officers and rural registrars of acclamation.	39
				6. Obtain rural registrar's lists....	39
				7. Complete return and accounts..	39
				8. Return remaining lots.....	38



DOMINION ELECTIONS ACT—DIARY OF DUTIES OF RETURNING OFFICERS—*Con.*

Check when done.	Duties	Para. of Instructions	Check when done.	Duties	Para. of Instructions
<b>VII (b). IF A POLL IS REQUIRED</b>			<b>XII. ON DAY FIXED FOR ADDITION OF VOTES</b>		
	1. Deliver list of candidates to each	40		1. Attend at place and hour fixed..	55
	2. Send copy of list to C.E.O.....	40		2. Open the ballot boxes.....	55
	3. Send copy of list and deposits to Auditor General.	40		3. Endorse unendorsed envelopes..	55
	4. Distribute Notice of Advance Poll where necessary.	41		4. Record condition of each.....	55
	5. Print ballots.....	43-45		5. Complete and seal Env. Form 90 where necessary.	55
	6. Arrange for polling stations not already selected.	47		6. Bag large envelopes.....	56
	7. Complete and print Notice of Grant of Poll.	42		7. Open statements of poll.....	57
	8. Distribute Notice of Grant of Poll to Postmasters.	42		8. Complete recapitulation sheets..	57
	9. Send 2 copies to A.G. and 2 to C.E.O.	42		9. Declare candidate elected.....	59
	10. Send 10 copies to each candidate.	42		10. Furnish copies of declaration to candidates.	59
	11. Ascertain number of voters on list for each polling division.	44		11. Store ballot boxes.....	60
	12. Complete list of D.R.O's and polling stations. .	47		12. Send one receipt to Aud. Gen.	60
	13. Notify revising officers and rural regrs. of names of D.R.O's.	47	<b>XIII. IF RECOUNT</b>		
	14. Obtain ballots and printers' affidavit.	45		1. Attend as directed.....	61
	15. Stamp the ballots.....	46		2. Deliver and receive redelivery of papers.	62
	16. Distribute ballot boxes and supplies.	48		3. Receive certificate of judge.....	63
	17. Appoint substitute D.R.O's, where necessary.	50		4. Declare candidate elected.....	63
				5. Furnish copies of declaration to candidates.	63
<b>VIII. ON THIRD DAY BEFORE POLLING</b>			<b>XIV. RETURN</b>		
	1. Supply list of D.R.O's to each candidate and to Auditor General.	51		1. Endorse return on writ.....	64
<b>IX. ON DAY BEFORE POLLING</b>				2. Furnish copies of return to candidates.	64
	1. Post a list of D.R.O's and poll clerks.	51		3. Despatch papers to C.E.O.....	64
<b>X. DURING POLLING</b>				4. Complete and forward all accounts.	65
	1. See that vote is being properly taken.	52	<b>XV. CANDIDATES' EXPENSES</b>		
<b>XI. AFTER THE POLL</b>				1. Receive return of candidates' expenses from official agent.	66
	1. Obtain and forward accounts...	53		2. Receive a declaration from the candidate.	66
	2. Receive, seal and store ballot boxes.	54		3. Publish summary of return.....	66
	3. Prepare recapitulation sheets for final count.	55		4. Six months later, return or destroy papers.	66

## PART III

## DUTIES OF REVISING OFFICERS

(References to Rules are to those in Schedule A to Section 32.)

## 1. INTRODUCTORY

**100. Nature and Use of Instructions.**—The order of the paragraphs in this part follows roughly the chronological order in which the various duties are to be performed by revising officers, and every step in the procedure prescribed by the Dominion Elections Act is intended to be covered. Many revising officers will no doubt prefer to determine their duties for themselves by a careful reading of the Act, but at least some of them may find this re-statement of a revising officer's duties useful and an economy of time. Some of the details dealt with are not covered by the statutory provisions and fall properly within the Chief Electoral Officer's power to give instructions

Scope of Instructions.

Sec. 36  
(1) (b).

**101. General Remarks.**—There is appended to this Part of these Instructions a list of the forms and supplies which each revising officer should receive, and also a Diary of Duties the convenience of which will be enhanced if the day of the month is inserted by the revising officer in the left hand column. If the forms and supplies are not complete the returning officer should be notified. On the question of fees and expenses revising officers are referred to the paragraph of these Instructions on the subject in Part I, dealing with the general duties of returning officers. On matters relating to finance, it is desirable that revising officers should correspond with the Auditor General, but on other subjects with the Chief Electoral Officer. Each revising officer should of course keep in communication with the returning officer on all matters as to which co-operation may be useful.

Supplies, diary and channels of communication.

Para. 10  
*supra*.

**102. Arrangements for Revision.**—The *ex officio* revising officers, who are all judges, are defined by Rule 13 of Schedule A to section 32; each *ex officio* revising officer has power to appoint such substitute revising officers as he sees fit and may himself retain no revising duties whatever or only such as he desires to undertake. If he himself undertakes the revision of any lists he is entitled, notwithstanding the provisions of *The Judges' Act*, to the same remuneration as a substitute would receive, but for the mere appointment of substitutes no remuneration is provided under the election tariff. In a few electoral districts the *ex officio* revising officer may be able himself to do the whole revision, but ordinarily the appointment of one or more substitutes will be necessary, even if he does as much of the revision as he can. There is, for example, little use in holding the sittings for revision in any place at a distance from that for which the lists have been prepared; voters are unlikely to undertake journeys for the purpose of securing the correction of the lists, and it is recommended that provision should be made

Appointment of-substitute revising officers.

R. 13 (d).

for a revising officer for each urban area in the electoral district, except when such areas are contiguous and a single revising officer may conveniently act for both or all of them. The number of polling stations which should be allotted to each revising officer will depend upon circumstances; if the Dominion lists to be revised are very recent, one revising officer can probably easily deal with lists containing as many as 20,000 or even more names, but the older the lists the greater will be the number of corrections necessary and the smaller the number of names with which a single revising officer can deal with without undue inconvenience to the electors. Particularly in large cities where people frequently change their places of residence, a list as much as a year old will require very numerous corrections, and by the time the lists are nearly two years old it may be found that as many as half the entries are incorrect. In some circumstances, therefore, one revising officer may not be able to deal with lists containing more than 5,000 to 7,000 names, but fewer should be assigned to a revising officer only in exceptional circumstances. In large cities two or more revising officers may sit at the same place, and it is no objection to such an arrangement that one (or more) of them is not sitting within the limits of that particular electoral district to which the lists he is revising relate; no revising officer should, however, be allotted polling divisions in more than one electoral district. A form is provided for the appointment of substitute revising officers, and the *ex officio* revising officer will send to the Chief Electoral Officer a duplicate of each appointment he makes. Copies should at the same time be sent to the returning officer and the Auditor General, or they should be advised of the appointments made and of the polling divisions for which each substitute is to act.

Form 118.

R. 13 (b).

Oaths and  
duties of  
substitutes.

Form 119.

### 103. Oaths and Duties of Substitute Revising Officers.

—An *ex officio* revising officer does not require to take any special oath, but each substitute revising officer must, before commencing to discharge his functions, make oath faithfully to perform his duties. A form of oath is attached to each form of appointment, and this the substitute revising officer will detach and transmit to the Chief Electoral Officer. Every revising officer, whether *ex officio* or substitute, has, within the area for which he acts, the same duties. Those of substitute revising officers are not limited to the mere revision of the lists, but include the supervision of the printing of them and the despatch of the copies required by the Rules to the election officers in the electoral district, to the candidates, and to the Chief Electoral Officer as indicated below.

Revising  
officer's  
clerk.  
R. 13.

Form 117.

### 104. Revising Officer's Clerk.—

Each revising officer may appoint a clerk if he so desires, and any revising officer before whom a large number of applications for the correction of the lists are likely to be made will probably find the services of a clerk necessary for the transfer of entries from revising officer's record to the official set of lists and the set to be used as printer's copy and for the supervision of the printing and distribution of the lists; the attendance of the clerk at the revising officer's sittings will not ordinarily be found necessary. No special fees are provided for revising officers' clerks, and each



revising officer may make his own arrangements for clerical services providing for the payment of his clerks' remuneration out of the allowances specified in the tariff which is printed in full at the end of Part I of these Instructions.

**105. Printing of Poster Notice.**—Among the supplies he receives from the returning officer the revising officer will find a specimen form of poster giving notice of the place and date of his sittings. These continue during six week days beginning on the twenty-first day before polling day. The specimen form contains, by way of suggestion, some particulars of hours of sittings and certain arrangements thereat. These the revising officer may vary as circumstances require, and he is also given a discretion as to the procedure he will follow in respect of matters not specifically dealt with by the Act, but the statements in the specimen poster on the subjects of the written notice to be given of applications to strike off names and of the onus of proof are taken from the statute and should be allowed to stand.

Poster notice.  
Sec. 32 (8).  
Form 73.  
R. 15.

R. 14.

R. 17 (d).

**106. Distribution of Poster.**—The poster should be completed as early as possible and arrangements made to have it printed by a local printer. One copy should be at once sent to any candidate who is publicly in the field (probably none will as yet have been nominated) and another copy accompanied by one copy of all the lists of voters the revising officer has to revise will be posted in the city or town hall if there is one in the place for which, or part of which, the revising officer acts. Two other copies will be posted in conspicuous places in every polling division, each of these being accompanied by a list of the voters for the polling division in which it is posted up.

Printing of poster notice.

Form 73.

## 2. ARRANGEMENTS FOR PRINTING OR MIMEOGRAPHING

**108. Anticipatory Arrangements for Printing of Lists.**—All lists of voters will require to be reprinted, the word "printing" being defined as including mimeographing, multi-graphing, or any other form of reproduction in which successive copies are produced from a matrix, and the revising officer should, in advance of his sittings, make arrangements to obtain the required number of copies of his lists after the sittings are concluded, in order that there may at that stage be no delay in having the work put in hand and quickly completed. For the purpose of making such arrangements, the revising officer should ascertain the total number of names on all the preliminary lists together and may assume that the particulars of about 400 voters can be set in eight hours on a monotype or linotype machine, that only about 150 can be set by hand in that time, and that on stencils for a duplicating machine a reasonably expert typist can, in the same number of hours, copy the particulars of about 800 voters. By this last method, therefore, the work can be very rapidly done, and, particularly in large cities, there should ordinarily be no difficulty in securing the services of sufficient typists to distribute the work widely and complete it in good time even if the printing offices cannot undertake it. The cost of producing the required number of copies of lists on a duplicating machine will ordinarily be found to be about one-fifth of the costs of printing.

Anticipatory arrangements for "printing" lists.

Sec. 2 (u).

Classes of  
cases before  
revising  
officers.

R. 17 (d).

R. 17 (f).

R. 17 (e).

**109. Classes of Applications.**—There are four classes of cases in which the correction of the lists by the revising officer may be called for, namely, cases in which what is in question is: (a) the striking off of the name of a person to whom an individual has sent a registered notice and against whose right to vote the objector makes out a *prima facie* case which remains unanswered<sup>1</sup>; (b) the correction without previous notice of a mistake shown to have occurred in respect to the entry of any name, address or occupation appearing on the list under revision; (c) the addition to the list without previous notice of the name of a qualified voter whose name does not appear thereon, any person alleging himself to be qualified having the right to apply to the revising officer for the insertion of his name; and (d) the transfer from one list to another of the name of a qualified voter who has changed his place of residence within an electoral district. Cases falling within any of the first three classes either will or may affect the right of the voter to vote, but those falling within the last class cannot do so, since any voter qualified to vote in the electoral district may vote at any polling station therein, provided his name appears on the list prepared for the polling division for which the station is established. In large cities applications for the transfer of names may nevertheless be so numerous that cases of other classes must be given priority over them, and the revising officer may refuse to entertain them if he thinks fit. It is to be observed, moreover, that if the polling divisions in a city electoral district have been divided among two or more revising officers, such transfers can only be made by arrangement between the revising officers concerned when the voter's change of residence has been from the area assigned to one of them to that assigned to another. It is also to be observed that when a voter has changed his residence from one electoral district in a city to another, no question of transferring the name arises, and in any such case, the revising officer will only have to determine whether or not the voter concerned is entitled to vote in the electoral district for which he is acting.

### 3. PROCEDURE AT AND AFTER SITTINGS

Procedure  
at sittings.

Form 117.

R. 17 (g)

**110\*. Procedure at Sitzings.**—Each revising officer will be supplied with a form of revising officer's record on which every application made and its disposition will be carefully recorded; it is by reference to this record that the revising officer's fees will be ascertained<sup>2</sup>. Each revising officer, whether

\* Throughout the present Election Instructions the paragraph numbers in the Election Instructions used at a general election have been retained as far as possible. Where any substantial change has been made in the present Instructions the paragraph number is followed by an asterisk as above. Paragraphs in the Election Instructions used at general elections which are not applicable to the by-elections now under consideration are omitted and the paragraph numbers in the present Election Instructions are consequently not consecutive.

<sup>1</sup> The views of the Chief Electoral Officer on the subject of the interpretation of the clauses of the Act dealing with the qualification of voters are stated in paragraphs 134 to 138, inclusive, of these Instructions.

<sup>2</sup> When there are only two candidates (and perhaps even if there are more) the revising officer may find it convenient to make two or more carbon copies of his record at the same time as the original (using an indelible pencil at his sittings instead of a pen) and thus avoid the necessity of preparing subsequently a separate statement of changes in and additions to the lists for delivery to candidates (see *infra*). If this course is taken, the sheets showing the changes and additions can be sent daily to candidates, if any have been formally nominated before the sittings for revision or are nominated during their progress.

*ex officio* or substitute, has the powers of a judge of a court of record. He is required to dispose of the applications made to him on the principles of equity and justice, and is given a wide discretion as to the procedure he will follow and as to the evidence he will accept. The statute requires two days' notice by registered letter to be given of every application to strike a name out of a list<sup>1</sup>, and every objector by whom such a notice is despatched must adduce *prima facie* evidence in support of his objection. In all other respects, however, the revising officer is free to dispose of the business before him in such a manner as he sees fit. He need not, for example, insist upon the attendance before him of a person whose name it is sought to have added to the list, nor need the evidence of the qualification of such a person be given either by a relative or an employer. Equally, the revising officer is not required to observe the rigid rules of legal evidence; he may act on such testimony as he considers sufficient to establish the qualification or disqualification of the individual whose right to vote is in question. This freedom does not justify his acting on the evidence of a witness who merely swears to his belief in a certain state of facts without making clear that he has adequate grounds for his belief, nor does it justify the acceptance of wholesale allegations as to the qualification or disqualification of a number of persons whose names are set out in a list. The revising officer should, on an application to strike off a name, satisfy himself by detailed enquiry from the witness produced by the objector that full investigation has been made and that the disqualification alleged is to be fairly inferred from the facts ascertained. So, on an application to add a name, the evidence of any one other than the person whose right to vote is asserted should be accepted as sufficient only when the evidence is such as to satisfy the revising officer that the witness's familiarity with the history and circumstances of the person in question justifies the acceptance of his statements; a satisfactory reason should also be given for the non-attendance of the person himself. In some circumstances the revising officer may be able substantially to lighten his duties by reliance on the agents of the candidates in attendance before him. When all the candidates likely to run are known at the time of the revision and are represented thereon, the revising officer may sometimes feel justified in acting upon the agreement of all such representatives without taking evidence. The purpose to be served by the revision is the production for use at the polls of lists containing the names only of qualified electors, but of as nearly all of these as possible, and it is of course of the highest importance that the judicial duties of the revising officer should be so exercised as to engender confidence that they are being performed not only efficiently but with complete impartiality.

<sup>1</sup> These applications are required to be made on notice so addressed that the revising officer thinks, on the evidence given before him, that it should have reached the voter concerned "if he were qualified to vote in the electoral district". A notice sent to the address given on the voters' list for the person concerned should doubtless be presumed to be sufficient in the absence of anything indicating its insufficiency and knowledge on the part of the objector of another address at which it would have been more likely to have been received by the addressee.



Correction  
of lists  
from the  
record.

R. 17 (b).

R. 18.

R. 17 (b).

Completing  
preliminary  
lists and  
copies for  
printer.

R. 18 (a).

**111. Correction of Preliminary Lists.**—No change should be made in any preliminary list except pursuant to an entry in the revising officer's record; all names not the subject of an application will be allowed to stand without alteration. Unless the revising officer proposes himself to do the clerical work hereafter referred to, he will sign or initial each page of his record as it is completed, and the work of making such additions and alterations in the preliminary lists as the entries in the record require may be carried on by his clerical assistants while the subsequent sittings are being proceeded with. New names added to the preliminary lists will be inserted after the last name already thereon beginning with the same initial letter; they will be given the same number as that of the last original name which they follow, but to this number will be appended the letters of the alphabet successively, thus: "37a," "37b," etc. When a name is struck off a line will be drawn through the entry, except the number, which will be allowed to stand and will be printed in the final list in order that the omission of a number may not suggest that an entry has been left out by mistake. The revising officer is responsible for the accurate transfer of all entries from his record to one set of the preliminary lists which will constitute the official lists for the polling divisions to which they refer and must be certified as hereafter indicated. If he himself corrects these preliminary lists, he will initial each change therein as he makes it; if the work is done by his clerical assistants they should, for convenience of verification, be instructed to note opposite each correction the day of the sittings upon which the correction was directed to be made and the consecutive number of the case on that day, thus "2/52."

**112.\* Verification, Certification and Printing.**—Immediately after the conclusion of the sittings the work of correcting the official set of preliminary lists will be completed with the utmost speed; it must be finished by the twelfth day before polling day, and should not be so long delayed. When it has been completed the revising officer will append to each of the lists of this set and sign a certificate in the following form:—"I certify that the foregoing is a correct list of the voters in polling division No.        in the above electoral district, as revised on appeal by me this        day of        ." If the revising officer has a large number of polling divisions a rubber stamp may be obtained for the purpose of this certificate, and may include everything which will appear on the completed certificate except the polling division number. After each of the official lists has been thus certified, no further changes can be made in it. The reproduction of the completed lists should thereupon be immediately put in hand<sup>1</sup>. The official lists should not be used as printer's copy, since it will be both risky and inconvenient for the revising officer to allow them to leave his possession. As printer's copy use should be made of a second set of lists corrected to correspond exactly with the official set,

<sup>1</sup> In the electoral districts specified in Schedule 3 of the Act, in which nomination day is fourteen days before the poll, the printing of the lists need not be proceeded with if the election has been by acclamation. In such cases the certified official lists may be sent forward at once to the Chief Electoral Officer, and the revising officer's account, completed as indicated in the last paragraph of this Part, should be sent forward to the Auditor General with the record. (Form 117.)

but neither the revising officer's initials nor the notes of dates and consecutive numbers of record entries need appear, the original consecutive numbers of names struck out being, however, allowed to stand as already indicated. This second set of lists will have no official character and may be dealt with as convenience requires, the only important point being that when completed they should correspond in all respects with the official set. The work of preparing them for the printer can, if considered desirable, be proceeded with *pari passu* with the correction of the official lists during the course of the revising officer's sittings, since they should be ready for delivery to the printer as soon after the conclusion of the sittings as possible and not later than the twelfth day before polling day. A specimen form of voters' list is supplied, and on it are printed special instructions which should be followed by whatever method the lists are reproduced.

Form 83.

**113. Statement of Changes and Additions.**—At the same time as the lists are sent to the printer, a statement of the changes and additions in and to the preliminary lists as posted, prepared from the revising officer's record, will be sent to the candidates (if any) who have been formally nominated, as candidates may have been in any electoral district, even if nomination day is only seven days before the poll. Candidates who are not formally nominated until nomination day will also then become entitled to receive similar statements of changes and additions, and they will probably desire to have them, unless the printing of the final list has been by that time completed.

Statement of changes and additions.  
R. 18 (b).

**114. Number of Names on Each List.**—In order that he may know how to distribute the ballots, the returning officer should be notified as early as possible of the number of names which appear on the final list for each polling division. In electoral districts in which the interval between nomination and poll is fourteen days, this notification should be sent immediately after the close of the sittings for revision; in other electoral districts, it will suffice if it is despatched so as to reach the returning officer a day or two before nomination day. When the list as finally revised for any polling division contains the names of more than 300 voters, the revising officer must divide it and cause it to be printed in two or more parts, each containing not more than, but as nearly as possible, 300 names. The division or divisions should usually be made between initial letters. The fact of the division of the list into two or more parts should be notified to the returning officer without delay in order that he may provide for the proper number of polling stations. He must of course be informed of the number of names on each part of the divided list.

Notification to returning officer of number of names on lists.

Schedule 3.

Splitting of lists.  
Sec. 34.

**115. Number of Copies of Lists.**—The finally printed lists must be ready for distribution to the candidates at latest on the fifth day before polling day, the maximum time allowed for their preparation after the sittings for revision being thus ten days even if the printer's copy is ready on the very day upon which the sittings conclude. If only two candidates have been nominated, only fifty-six copies will be necessary, but an additional

Number of lists to be printed.  
R. 18, 19.

twenty will be required for every candidate over two.<sup>1</sup> In electoral districts in which nomination day precedes the poll by two weeks revising officers will know exactly for how many candidates they must provide, but in electoral districts in which there is only one week's interval they may, if the lists are ready to be printed off before nomination day, have to estimate the number likely to be called for. The extra expense of printing a few additional copies will, however, be found to be negligible.

Certification  
of copies of  
lists.

R. 19.

**116. Certification of Copies of Lists.**—Proofs of the printed lists (or stencils, if the lists are mimeographed<sup>2</sup>) should be compared by the revising officer with the official lists for the respective polling divisions—not with the copies which have been used by the printer. The revising officer must certify each of the final printed or mimeographed copies in the form indicated on the specimen list of voters distributed. On a mimeographed list he may sign the certificate on the stencil; on printed lists he may direct his name to be printed, but he should certify with his own hand one copy for the Chief Electoral Officer and one for the deputy returning officer. If, after the copies of the list have been finally certified and run off and it is found that, owing to mistake in the comparison, there are any variations between them and the official lists which affect the right to vote of any voters, the revising officer should immediately give notice of any necessary correction to the deputy returning officer concerned and to each of the candidates.

Distribution  
of lists.  
R. 19.

R. 23.

R. 19.

**117. Distribution of Copies of Lists.**—Twenty copies of the list for each polling division should be sent immediately on completion of the printing to each candidate or to his agent; one copy will be sent to the returning officer and one copy must be sent or delivered to each deputy returning officer so as to reach him not later than six o'clock on the morning of polling day. It is the duty of the returning officer to notify the revising officer of the names and addresses of the deputy returning officers for each of the polling divisions for which the revising officer has the revision of the lists, and the earlier the deputy returning officers' copies are despatched to them the better. The remaining printed or mimeographed copies of the lists (including the certified copy), the original corrected copies of the preliminary lists and the printer's copy will be retained by the revising officer until after polling day when they will be despatched to the Chief Electoral Officer.

Issue of  
transfer  
certificates.

**118. Issue of Transfer Certificates.**—At any time after the official lists have been finally certified and before the close of the poll any deputy returning officer, poll clerk, candidate or candidate's agent whose name appears on the lists as revised

<sup>1</sup> Although it is extremely unlikely in view of the definition of the word "printing", cases may possibly occur in which it is impossible to have a sufficient number of copies of the list as finally revised "printed" within the time allowed, and in such cases the revising officer may obtain authority from the Chief Electoral Officer to cause the lists to be merely typewritten (Rule 20). If this course is taken, six copies of the list should be prepared and of these one should be retained by the revising officer for his own use until after polling day (when it will be sent to the Chief Electoral Officer), one should be sent to the deputy returning officer and one of the four remaining copies furnished to each candidate nominated.

<sup>2</sup> Stencils are sometimes difficult to read, and it may be found convenient to have a carbon copy made at the same time as the stencil for convenience in comparing it with the preliminary lists; any necessary corrections must, however, of course be made on the stencil.



is entitled to obtain a transfer certificate upon satisfying the revising officer that he has been appointed to act at some polling station other than that on the list for which his name appears. The revising officer is the only person by whom such certificates can be issued to persons on the lists revised by him. No transfer certificate must be issued in blank and each must contain the name of the person to whom it is issued, must be numbered with a consecutive number and must be signed by the revising officer. While the revising officer still has the deputy returning officer's copy of the list, the issue of the transfer certificate should be recorded upon it by entering opposite the name of the voter the words "Transfer certificate No....." A list of the names and other particulars of the voters to whom transfer certificates have been issued will be kept by the revising officer.

Sec. 53 (1).

Form 30.

**119. Certificates to Vote at Advance Polls.**<sup>1</sup>—A railway employee, sailor or commercial traveller, whose employment is such as to require his periodical absence from home, and who expects to be absent on the polling day in the course of such employment, is entitled, if he is on the list for an urban polling division in a place for which an advance poll is authorized under Schedule 2, to receive from the revising officer a certificate upon which he may vote at any advance poll in the electoral district. The right to a certificate is not limited to persons employed by a railway company or to seamen or to commercial travellers in receipt of salaries, but extends to all persons ordinarily employed on trains or boats, such as stokers or postal officials, or in travelling for purposes of commerce. The right of any applicant may be determined by personal inquiry from him, and if the certificate is to issue, he must be required to sign it in the presence of the revising officer, who will not himself sign it until the applicant has done so. If, when a certificate is issued, the revising officer still has the copy of voters' lists which he is going to give to the deputy returning officer, he will write the words "Advance poll" opposite the name of the voter on that copy of the list. If the deputy returning officer's copy of the voters' list has already been given or sent to him, the certificate is to be made out in duplicate and one is to be sent to the deputy returning officer for his information. A list of the names and other particulars of the voters to whom advance poll certificates have been issued will be kept by the revising officer.

Issue of certificates for advance polls.

Sec. 102 (1).

Form 54.

Sec. 102.

(10) (b).

Sec. 102.

(11).

**120. When Such Certificates May Issue.**<sup>2</sup>—Certificates to vote at advance polls may be issued by the revising officer at any time after he has finally certified the official lists, and provision is made for including in the Notice of Advance Polls (which is published by the returning officer) a statement giving the name of any revising officer to whom applications for certificates may be made, and the address at which applicants for certificates will ordinarily find him. The Notice of Advance Polls will also contain a special statement indicating where the revising officer will certainly be found between eight and nine-

When these certificates may issue.

Form 53.

<sup>1</sup> This and the following paragraph apply only to revising officers appointed to revise the lists for one of the places mentioned in Schedule 2 of the Act: it is at these places only that advance polls are authorized to be held and the forms of Certificate to Vote at Advance Polls (Forms 54, 55) should be distributed only to revising officers who may be called upon to issue them.

<sup>2</sup> See note to last preceding paragraph.

thirty on the evening of the first of the three days upon which the advance polls are open. The revising officer may select his office or house or, if he prefers, some other place (even the advance polling station itself if he likes), as the place at which he will be between the hours specified on this evening, and he should give early notice to the returning officer both of this place and of his ordinary address; the advice should reach the returning officer at the latest ten days before polling day. In places in which there are a large number of railway employees, sailors or commercial travellers who may desire to take advantage of the facilities afforded by the advance polls, the revising officer is likely to enhance the value of these facilities if he arranges to make himself available to applicants for advance poll certificates not only on the first, but on all of the evenings on which the advance polls are open, and any revising officer who decides to do so should notify the returning officer and ask him to modify accordingly the statement contained in the Notice of Advance Polls.

Form 54.

Revising  
officers'  
account.

Form 107.

Form 110.

Form 117.

**121. Account.**—Immediately after polling day, the revising officer will send by registered mail to the Chief Electoral Officer the following papers: (a) The copy of the voter's list from which the printing was done; (b) One complete set of the final printed lists signed by the revising officer himself; (c) At least eleven additional printed sets of the lists as distributed, with any correction made after the printing was completed. The revising officer should then make up his account, attach it (with invoices and vouchers for any accounts or expenses incurred) to the form of list sent him for the purpose and despatch the papers to the Auditor General with the record of applications made before him together with the list of names of voters to whom transfer and advance poll certificates have been issued. The tariff of fees is printed at the end of Part I of these Instructions (Duties of Returning Officers), and the attention of revising officers is directed to Section IV, with which alone they will ordinarily be concerned.

## LIST 3

## FORMS, ETC., FOR USE BY REVISING OFFICERS

(To be distributed by the returning officer.<sup>1</sup>)

Code Word	Form or Book No.	Description	No. to be distributed	Referred to in Instrns. para.
Abecedary.	A	Election Instructions (complete)...	2 for each revising officer	100
Candex.....	30, 31	Transfer certificate.....	6 for each p.d.....	118
Canzonet...	54, 55	Certificate to vote at advance poll <sup>2</sup>	Number required.....	119, 120
Capricorn...	73	Specimen Poster Notice.....	2 for each revising officer	105, 106
Castellate..	83	Specimen of printed voters' list...	5 for each revising officer	112
Alchemic...	107	Election Account (General).....	10 for each revising officer.	121
Celandine...	110	Revising officer's list of accounts..	4 for each revising officer	121
Cernmen...	117	Revising officers record.....	1 for each 3 p.d.'s.....	104, 110, etc.
.....	.....	Voters' lists used at preceding elec- tion.	5 for each p.d.	106, 111, 112
.....	.....	Mail bag (stencilled "Chief Elec- toral Officer").	1 for each revising officer with 25 p.d.'s. or more.	

<sup>1</sup> In addition to the forms specified in List 3, *ex officio* revising officers will receive direct from the Chief Electoral Officer a supply of forms of Appointment of Substitute Revising Officer (Form 118) and of forms of Oath of Substitute Revising Officer (Form 119).

<sup>2</sup> To be sent only to revising officers appointed to revise the lists for places mentioned in Schedule 2 to the Act, at which alone advance polls are authorized to be established.



# **DOMINION ELECTIONS ACT** **DIARY OF DUTIES OF REVISING OFFICERS**

Day of month	Day before polling day	Para. of Instrns.	Duties
			<b>On Appointment:—</b>
		103	<b>1. If not a judge (a) take oath of office and (b) send it to Chief Electoral Officer.</b>
		104	<b>2. Appoint clerk, if one required.</b>
		105	<b>3. Complete and print poster notice.</b>
		106	<b>4. Arrange for posting list and notice.</b>
		106	<b>5. Send copies of notice to candidates.</b>
		108	<b>6. Make anticipatory arrangements for printing lists.</b>
	21st-15th <sup>1</sup>	111	<b>1. Sittings daily except Sunday.</b>
		111	<b>2. Correct preliminary list and one set of copies of them.</b>
	14th-12th.....	112	<b>1. Complete correction of official lists and copies.</b>
		112	<b>2. Certify each list of official set<sup>2</sup></b>
		112	<b>3. Send printer's copy to him.</b>
		113	<b>4. Prepare statement of changes and additions.</b>
		113	<b>5. Despatch copies to nominated candidates, if any.</b>
		114	<b>6. Notify returning officer of number of voters in each polling division.</b>
		118-20	<b>7. Issue, as required, transfer and advance poll certificates.</b>
	11th-5th.....	115	<b>1. See that copies of lists completed quickly.</b>
		116	<b>2. Compare and certify them.</b>
		117	<b>3. Deliver copies to candidates.</b>
		117	<b>4. Despatch copy to R.O.</b>
		118-20	<b>5. Issue, as required, transfer and advance poll certificates.</b>
	4th-0.....	117	<b>1. Deliver copy list to D.R.O.</b>
		118-20	<b>2. Issue as required, transfer and advance poll certificates (especially between 8 and 9.30 p.m. on first day advance polls are open.)</b>
		117	<b>3. Send 12 copies lists, &amp;., to C.E.O.</b>
		121	<b>4. Send account to Auditor General with Record.</b>

<sup>1</sup> The last day for sitting will be the sixteenth day before polling day when the poll is on a Monday.

<sup>2</sup> If the return is by acclamation and the electoral district is one in which there is an interval of fourteen days between nomination and poll (Sched. 3), the only duties to be performed after the certifying of the official lists are the despatch (a) of these to the Chief Electoral Officer and (b) of the revising officer's account and record to the Auditor General.

## PART IV

## DUTIES OF RURAL REGISTRARS

*(Marginal references are to the forms, the sections of the Act and the Rules in Schedule B to Section 32.)*

## 1. INTRODUCTORY

**126. Nature and Use of Instructions.**—The order of the paragraphs in this Part of these Instructions follows roughly the chronological order in which the various duties are to be performed by rural registrars and every step in the procedure prescribed by the Dominion Elections Act is intended to be covered. The marginal notes permit a ready reference to the statute and the statutory provisions should be referred to on any doubtful point.

Scope of  
Instructions.

**127. Channels of Communication.**—Rural registrars will receive all their instructions from, and make all their reports to the returning officer, and will also send to the returning officer their accounts for services and expenses. Accounts will be paid by remittance direct to the officer concerned from the office of the Auditor General at Ottawa, but no remittances will be sent forward except on accounts certified and approved by the returning officer, and none must therefore be sent forward except through him. All inquiries as to the payment of accounts rendered should be addressed to the Auditor General. Rural registrars who have any suggestions to make with regard to any errors in or omissions from these Instructions, or any suggestions for the improvement of the election procedure by amendment to the Dominion Elections Act or otherwise, may forward these directly to the Chief Electoral Officer, but suggestions of this character are the only communications which may be so addressed.

Channels of  
communication.

## 2. PRELIMINARY DUTIES

**128. Supplies and Oath.**—Every rural registrar should see that he has received the proper supplies and forms as set out in the list appended to this Part of these Instructions. If before he receives them he has not already sworn his oath of office, he will immediately do this and send it to the returning officer, notifying the latter if any supplies he should have are deficient. The oath may be sworn before the judge of any court, any magistrate, any notary public or any commissioner for taking affidavits in the province, and also before the returning officer, the election clerk, any deputy returning officer or any poll clerk.

Supplies  
and oaths.  
R. 2.  
Form 6.

Sec. 6.

**129. Diary of Duties.**—Rural registrars will find appended a Diary of Duties upon which, in the column provided for that purpose, they should, before they enter upon their duties, note the days of the month upon which, having regard to the days fixed for nomination and polling, the various duties are to be performed. These entries will be found of great convenience as a guide to exact compliance with the prescribed procedure.

Diary of  
Duties.

Posting of  
lists and  
notices.

Form 20.

**130.\* Posting of Lists and Notices.**—The first step the rural registrar has to take is to post up in conspicuous places in the polling division two of the copies of the list of voters prepared for the preceding Dominion election, which he will receive from the returning officer, posting with each copy a notice of the time and place at which voters may find him to have necessary corrections made. Printed forms of this notice are supplied and will be completed by the registrar. They and the lists should be posted immediately after the registrar has been appointed, and must be posted at latest on the fifteenth day before polling day.

### 3. CORRECTION OF LIST

Correction  
of list.

Form 20.

**131. \*Correction of List.**—One of the remaining copies of the list prepared for the preceding Dominion election will be treated by the registrar as his official list for the polling division and will be corrected in accordance with representations made to him on oath either orally or in writing, and at any time after the preliminary list has been posted up. In order that persons may readily find him for the purpose of making such representations, the registrar will remain at the place stated in the posted notice between two and six o'clock on the afternoons of either four or five successive week days, beginning with the thirteenth and ending with the ninth day before polling day. If polling day is on a Monday, the first of these days will therefore be a Tuesday and the last will be a Saturday, so that there will be five afternoons; if, however, polling day is on any other day of the week there will only be four afternoons, the first being always two weeks less one day before the day fixed for the poll, and the last the third or fourth following day; one of the four following days will always be a Sunday.

Mode of  
correcting  
list.

R. 4.

**132. \*Mode of Correcting List.**—The registrar will correct his official copy of the list whenever the representations made to him are such as to satisfy him that the list does not contain the name of any person who is qualified to vote in the polling division, or that there appears thereon the name of any person who is not then qualified. Any names added to the list will be inserted after the last name beginning with the same initial letter and will be given the same number as that last name, but this number will be followed by the letters of the alphabet in succession, thus: "15A, 15B" and so on; the date upon which each new name was added will be noted against it and initialed by the registrar. A line will be drawn through every name struck off, and the date upon which it was so struck off noted with the registrar's initials; the consecutive numbers of names struck off should, however, be allowed to stand, and should, if the list is recopied, later appear in the copy in order to show that a whole entry has not been omitted in error. Any mistake in the original list in the statement of the occupation

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\*Throughout the present Election Instructions the paragraph numbers in the Election Instructions used at a general election have been retained as far as possible. Where any substantial change has been made in the present Instructions the paragraph number is followed by an asterisk as above. Paragraphs in the Elections Instructions used at general elections which are not applicable to the by-elections now under consideration are omitted and the paragraph numbers in the present Election Instructions are consequently not consecutive.



or residence of any voter may also be corrected by the registrar upon his observing it or having it brought to his attention in any way, but every correction of this kind should be initialled in the same manner as names added and struck off.

**134. Qualification of Electors.**—The qualification of electors cannot be simply stated, but the general rule, which may be applied subject to the definitions set out in the following paragraphs, is that every person in Canada, male or female, is qualified to vote and should be included in the list of voters for the polling division in which he or she resides, if he or she

- (a) is a British subject, and
- (b) is twenty-one years of age, and
- (c) has ordinarily resided in Canada for the year immediately preceding the date of the issue of the writ of election, and
- (d) was ordinarily resident in the electoral district at a date two months before the issue of the writ and has continued so resident for these two months, and
- (e) is not expressly denied the right to vote.

**135. Who Are British Subjects.**—There are a number of ways in which a person may become a British subject in Canada. If a person is found to fall within any one of the classes defined below, it is not necessary to consider whether he falls within any other. Thus, every one has become a British subject in Canada who:—

- (a) was born in any of His Majesty's dominions or on a British ship, no matter what was the nationality of his parents, or
- (b) was born elsewhere of a father who, at the time of the child's birth, was a British subject,<sup>1</sup> or
- (c) has been personally granted a certificate of naturalization under any statute of Canada or under the Imperial Naturalization Act in any other of His Majesty's Dominions,<sup>2</sup> or
- (d) has had his name included in a certificate of naturalization granted to a parent under the Imperial Naturalization Act in Canada or in any other of His Majesty's dominions, or

<sup>1</sup> There are certain exceptions to this general rule but these are of very small importance, and registrars may apply the rule as given above. The exceptions will be found in the Naturalization Act referred to in the next note.

<sup>2</sup> The Imperial Naturalization Act came into force in Canada on January 1st, 1915, but the operation of the earlier Act continued until January 1st, 1918. In the interval both statutes were in force, but naturalization certificates may be assumed to have issued under the Imperial Naturalization Act in Canada after January 1st, 1918; in Newfoundland after May 14th, 1916; in Australia after January 1st, 1921, and in Great Britain or any other of His Majesty's dominions, except South Africa and New Zealand, but including Ireland, after August 7th, 1914. Neither South Africa nor New Zealand has adopted the Imperial Naturalization Act. In Canada the Act (1914, c. 44), has been amended by 1914, (2nd Sess.), c. 7; 1918, c. 32; 1919, c. 38; 1919, (2nd Sess.), c. 3; 1920, c. 59, and 1923, c. 60.

- (e) is the wife or unmarried widow of a natural born British subject or of a British subject naturalized under any statute of Canada or under the Imperial Naturalization Act in any other of His Majesty's dominions,  
or
- (f) is the child of a person naturalized in Canada otherwise than under the Imperial Naturalization Act and was, at or after the time his parent was naturalized and before he or she became twenty-one years of age, resident in Canada with the naturalized parent.

Every person who has become a British subject in Canada continues to be so unless his British nationality has been surrendered by his becoming a naturalized citizen of some other country, or unless the certificate of naturalization under which he became naturalized has been cancelled, or unless, if a woman, she has married a man who is not a British subject.

Age.

**136. Age.**—No person is entitled to be registered as a voter until he has actually attained the age of twenty-one years. Young persons whose twenty-first birthday occurs after the ninth day before polling day and on or before polling day itself should be advised that they may have their names added to the list on polling day and may vote upon being vouched for under section 64.

Residence.

**137. What Does Residence Mean?**—There is no technical meaning attached to the words "ordinarily resided" in the Dominion Elections Act. The substantial fact need alone be considered. Residence in a given electoral district at a date two months before the issue of the writ may be inferred either from the existence in the district at the time of a personal or family home in which the voter was living or to which, although he may have been actually absent, he intended shortly to return, or, alternatively, from the voter having been actually lodging in the electoral district otherwise than as a mere visitor. The statutory requirements as to residence differ at a by-election and at a general election. At a by-election, only those persons may vote who have resided in the electoral district for which the by-election is held during the whole of the two months immediately preceding the date of the writ, although removal after the issue of the writ does not affect a voter's qualification. Residence in Canada for the year immediately preceding the issue of a writ for a by-election may be determined in the same way as residence in an electoral district, that is to say either by reference to the voter's personal or family home or to the place where he actually lodges. No person is qualified to vote who has not been resident in Canada during the year immediately preceding the issue of the writ, but removal from Canada after its issue does not affect the right of a voter to have his name included in the voters' list.

Disqualifications.

**138. Classes of Persons Who May Not Vote.**—There are a number of classes of persons who are qualified as voters by citizenship, age and residence, but who are nevertheless deprived of the right to vote, and persons in any of these classes should not be included in a list of voters prepared by a registrar. The classes of persons thus deprived of the right to vote are:—

S. 30 (1) (a).

(a) Judges appointed by the Government of Canada.

- (b) Persons employed in the electoral district in reference to the election for pay or reward, except the persons who may be paid out of public funds and are described in section 31 (2). S. 31.
- (c) Indians resident on an Indian reservation who did not serve in the naval, military or air forces of Canada in the war 1914-1918.<sup>1</sup> S. 29 (1) (d).
- (d) Persons who, in the province in which they desire to vote, are by the provincial law of that province disqualified in respect of race from voting for a member of the Legislative Assembly thereof, unless they produce to the registrar a certificate of discharge from the military, naval or air forces of Canada, after service in one of such forces in the war 1914-1918.<sup>2</sup> S. 30 (1) (g).
- (e) Prisoners undergoing punishment for criminal offences. S. 30 (1) (f).
- (f) Patients in lunatic asylums. S. 30 (1) (f).
- (g) Persons maintained in whole or in part as inmates receiving public charitable support in municipal poor houses or houses of industry. S. 30 (1) (f).
- (h) Persons who are inmates receiving public charitable support, other than for war services, in any institution receiving aid from the government of a province under any statute in that behalf. S. 30 (1) (f).
- (i) Persons disfranchised for corrupt or illegal practices. S. 30 (1) (c-e).

**145. Certification of Final List and Statement of Changes in It.**—After six o'clock on the evening of the last of the four (or five) afternoons the registrar will, on the last page of his official copy of the list as corrected, and close to the last name thereon, write and sign a certificate in the following form: "I certify that the foregoing is a correct list of the voters in Polling Division No. \_\_\_\_\_ of the Electoral District of \_\_\_\_\_, as revised and corrected by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_." The registrar will also on the same night prepare, on the form provided for the purpose, a statement of the changes he has made in, and the additions he has made to, the original list as he received it, and of this statement he will send a copy as soon as possible to each candidate nominated.

Final  
certification  
of list.

R. 5.

Statement of  
changes and  
additions.  
Form 120.  
R. 5.

**146. Lists for R.O. and D.R.O.**—As soon as he has completed the statement of changes and additions, the registrar will prepare a copy of the final list, including the certificate but omitting his initials and any memoranda as to the date upon which corrections were made. For this copy he may either correct the fourth copy of the list originally sent him or may prepare a complete clean copy as he prefers. This copy he will at once despatch to the returning officer by registered mail. The corrected official list is to be handed to the deputy returning officer for the polling division. The registrar

List for  
D.R.O. and  
copy for  
R.O.

R. 5.

<sup>1</sup> If an Indian does not reside on an Indian reservation his right to vote is to be determined in the same way as any other person who is not an Indian; it does not matter whether or not he is entitled to receive or in fact receives any benefit under an Indian treaty.

<sup>2</sup> At the date of the publication of these Instructions it is only in the Provinces of British Columbia and Saskatchewan that there are persons disqualified in respect of race. In the former the disqualification extends to Chinamen, Japanese and Hindus, and in the latter to Chinamen only. Registrars in these provinces will (unless discharges are produced) exclude from their lists the classes of persons so disqualified, even though they may be qualified in all other respects.



should retain it as long as he conveniently can in order that he may have it for a reference in case applications are made to him for transfer certificates (or advance poll certificates), but it must be in the deputy returning officers' hands not later than six o'clock on the morning of the polling day, and should if possible be so not later than the evening of the preceding day. Before he parts with it, the registrar should carefully note the number of changes made in it, so that he can correctly make up his account.

## 6. FINAL DUTIES

Transfer  
certificates.

Form 30.

Sec. 53.

**147. Transfer Certificates.**—During the time he is correcting the list and until polling day the registrar will issue transfer certificates to persons whose names appear upon his list and who are candidates or have been appointed to act as deputy returning officers, poll clerks or agents at polling stations for other polling divisions. Except candidates, the persons applying for transfer certificates must satisfy the registrar of their appointment, and the certificates the registrar issues must be fully filled in, numbered consecutively and signed by him before issue. On the list of voters the issue of the transfer certificate should be recorded by noting opposite the name of the voter the words "Transfer Certificate No. issued."

Issue of  
certificates  
for advance  
polls.  
Sec. 102.  
(1).

Form 54.

Sec. 102  
(10), (b).  
Sec. 102  
(11).

Sec. 102  
(12).

Time for  
issue of  
certificates.

**148. Certificates to Vote at Advance Polls.**<sup>1</sup>—A railway employee, sailor or commercial traveller, whose employment is such as to require his periodical absence from home, and who expects to be absent on polling day in the course of such employment, is entitled, if he is on the list for a place in a rural polling division in which an advance poll is authorized under Schedule 2 of the Act, to receive from the rural registrar a certificate upon which he may vote at any advance poll in the electoral district. The right to a certificate is not limited to persons employed by a railway company, or to seamen, or to commercial travellers in receipt of salaries, but extends to all persons ordinarily employed on trains or boats, such as stokers and postal officials, or in travelling for purposes of commerce. The right of any applicant may be determined by personal inquiry from him, and if the certificate is to issue he must be required to sign it in the presence of the registrar, who will not himself sign it until the applicant has done so. If when a certificate is issued the registrar still has the copy of the voters' list which he is going to give to the deputy returning officer, he will write the words "Advance poll" in the column of the list provided for remarks. If the deputy returning officer's copy of the voters' list has already been given or sent to him, the certificate is to be made out in duplicate and one is to be sent to the deputy returning officer for his information.

**149. Time for Issue of Advance Poll Certificates.**—Advance poll certificates may be issued at any time after the corrected list of voters has been finally certified, and the rural

<sup>1</sup> Only those very few rural registrars who may have occasion to issue advance poll certificates need concern themselves with this paragraph, since it is only registrars appointed for polling divisions contained in one of the places mentioned in Schedule 2 of the Act as places at which advance polls may be established who can be called upon to issue such certificates, and returning officers are not expected to distribute the forms except to them.

registrar should make it as convenient for voters to find him at ordinary times as is possible having regard to his convenience in the carrying on of his own business. Moreover, in order that voters who have not so far found him may do so readily, he will notify the returning officer of the place where he will be found between 8.00 and 9.30 p.m. on the first of the three days upon which advance polls are open, for the purpose of issuing certificates to vote thereat. The returning officer will give public notice accordingly and the registrar will remain at the address given during the hour and a half specified. Sec. 102 (15).

**149a. Account.**—Upon the delivery to the deputy returning officer of his copy of the list the registrar's duties are complete, and he may promptly fill in and send to the returning officer the account for his services. Under the tariff approved by Order in Council he is entitled to an allowance of \$5 for the swearing of his oath of office, the posting of the notices and lists, and the preparations for the correction of the latter. This is all the remuneration the registrar will receive in electoral districts in which there is an interval of two weeks between nomination and polling day and the election is by acclamation. In all elections where there is a contest, however, and even when the election is by acclamation in electoral districts in which there is an interval of only seven days between nomination and poll, the registrar will also be entitled to a fee of \$10 for correcting the lists and for remaining at the specified place on the four or five afternoons. In addition he will be entitled to one cent for each name upon each statement of change and additions sent to a candidate and each name added to the copy of the list for the returning officer. If a complete clean copy is made for the returning officer one cent a name may be charged for all the names upon it. No allowance will be made for travelling, but the registrar's actual expenditures for postage may be included in his account. Account.  
Form 108.

## LIST 4

## FORMS, ETC., FOR USE BY RURAL REGISTRARS

Code Word	Form or Book No.	Description	Number to be distributed to each registrar	Referred to in Instrns. para.
Abecedary.....	A	Election Instructions.....	1	126
Diapason.....	20	Poster notice and certificate.....	6	131
Candex.....	30, 31	Transfer certificate.....	6	147
Canzonet.....	54, 55	Certificate to vote at advance poll <sup>1</sup> .....	Number required if advance poll authorized.....	148
Dizzard.....	108	Account.....		149A
Dobule.....	120	Statement of changes in list.....	6	145
.....	.....	List of voters.....	4	

<sup>1</sup> Forms of certificates to vote at advance polls will be distributed only to those very few rural registrars who prepare lists for one of the places specified in Schedule 2 of the Act at which only advance polls are authorized to be established.

**DOMINION ELECTIONS ACT**  
**DIARY OF DUTIES OF RURAL REGISTRARS**

*Note.—All hours are standard time.*

Day of month	Day before polling day	Para. of Instrns.	Duties	Check when done
			<b>ON APPOINTMENT:—</b>	
		128	1. Take oath, if not already sworn.....	
		128	2. Return oath to R.O.....	
		129	3. Fill in days of month in Diary.....	
	15th <sup>1</sup>	130	1. Fill up two copies of Notice (Form 20).....	
		130	2. Post these with copies of list.....	
	13th-9th <sup>2</sup>	131, 134-138 147-149	1. Remain at place fixed and correct list.....	
			2. Issue transfer certificates as required (and perhaps certificates to vote at advance poll).	
	9th <sup>2</sup> after 6 p.m.	145	1. Certify the corrected list.....	
		145	2. Prepare statement of changes and additions, if necessary.	
		145	3. Send copy to each nominated candidate.....	
		146	4. Make copy of complete list.....	
		146	5. Send this to R.O.....	
	8th-1st	147-149	1. Issue transfer certificates as required (and perhaps certificates to vote at advance poll) ..	
		146	3. Send official list to D.R.O.....	
	O (Polling day.)	146	1. Make certain that D.R.O. has received his list by 6 a.m.....	
		149A	2. Send account to R.O.....	

<sup>1</sup> Read "16th" for "15th" if polling is on a Monday.

<sup>2</sup> Read "10th" for "9th" if polling is on a Tuesday.



## PART V

DUTIES OF DEPUTY RETURNING OFFICERS AT ORDINARY POLLS<sup>1</sup>

(References to forms prefixed by the letters "AP" are to forms used only at advance polls)

## 1. INTRODUCTORY

**150. Nature and Use of Instructions.**—The order of the paragraphs in this Part of these Instructions follows roughly the chronological order in which the various duties are to be performed by deputy returning officers and every step in the procedure prescribed by the Dominion Elections Act is intended to be covered. The marginal notes permit a ready reference to the statute and the statutory provisions should be referred to on any doubtful point. The appended diary of duties will be found a convenient abstract by reference to which the successive duties can be readily carried out in their proper order.

Scope of Instructions.

Diary of Duties.

**151. Channels of Communication.**—Deputy returning officers will receive all their instructions from, and make all their reports to, the returning officer and will also send to the returning officer their accounts for services and expenses. Accounts will be paid by remittance direct to the officer concerned from the office of the Auditor General at Ottawa, but no remittances will be sent forward except on accounts certified and approved by the returning officer and none should therefore be sent forward except through him. All inquiries as to the payment of accounts rendered must be addressed to the Auditor General. Deputy returning officers who have any suggestions to make with regard to any errors in or omissions from these Instructions, or any suggestions for the improvement of the election procedure by amendment to the Dominion Elections Act, or otherwise, may forward these directly to the Chief Electoral Officer, but suggestions of this character are the only communications which may be so addressed.

Channels of communication.

## 2. PRELIMINARY DUTIES

**152. Completion of Oath of Office.**—The first duty of a deputy returning officer is to swear his oath of office and send it to the returning officer. He should do this as soon as he receives his written appointment to which the form of oath is attached. Many deputy returning officers will doubtless be appointed in advance, but some may receive their appointments only with their ballot boxes and supplies which may not reach them until shortly before polling day. The oath of office should however always be detached, sworn, and mailed or delivered to the returning officer before the poll opens.

Oath of Office.  
Sec. 24.  
Form 8 or  
A.P. 92.

<sup>1</sup> This Part applies also at advance polls except as otherwise indicated in the footnotes. The differences in the procedure are indicated in Part VI.

Oaths  
generally.

**153. Swearing of Oaths.**—With certain exceptions not presently material, any oath required to be taken under the Dominion Elections Act may be sworn, not only before the judge of any court, any magistrate, any notary public or any commissioner for taking affidavits in the province, but also before the returning officer, the election clerk, any deputy returning officer, or any poll clerk. The proper way to swear an oath which is in writing is for the officer administering the oath to ask the person who appears to swear it, either to sign it or, if it is already signed, to acknowledge his signature to it, and then to say to him "You swear that this oath signed by you is true to the best of your knowledge, information and belief. So help you God." The oath should be sworn upon a Bible or a New Testament. Certain persons who either have no religious belief, or have conscientious scruples against making oaths, are permitted, if they object to take an oath, to make an affirmation, and in such cases the procedure is the same except that the form is "You solemnly affirm" instead of "You swear," the words, "So help you God" are omitted, and no Bible is required. The appropriate form must be substantially complied with; any person who signs a statement that an affidavit or declaration has been sworn or declared before him without having required the deponent or witness actually to swear or declare is guilty of an offence and liable to punishment. The procedure for an oath or affirmation which is not in writing is identical with that just described except that the person administering the oath says "You swear that (*stating the facts*). So help you God," or "You solemnly affirm that (*stating the facts*)."

Supplies and  
forms.

**154. Supplies and Forms.**—A list of the supplies and forms which the deputy returning officer should receive from the returning officer are contained in the list appended to these instructions. The supplies received should be carefully checked and if anything is lacking (and particularly if the number of ballots supplied is insufficient), the returning officer should be notified immediately so that the poll can be properly carried on. In the interval between the arrival of the ballot box and polling day every care will be taken of the papers so as to prevent their being tampered with by any unauthorized person. The supplies will be kept in the ballot box and this kept locked. The deputy returning officer will himself provide a Bible and some ink. The provision of these should not involve any expense and no allowance will be made for their provision.

Sec. 46.

Poll clerk.

Sec. 26.

Book C or D.

Form 96, 98.

Sec. 48 (1).

Sec. 48 (2).

**155. Appointment of Poll Clerk.**—After he has received and checked his supplies, the first duty of a deputy returning officer is to appoint a poll clerk who is a resident in the electoral district. The form of appointment will be found in the poll book. Immediately upon his appointment the poll clerk will swear his oath and a notification of his appointment will be despatched by the deputy returning officer to the returning officer on the form and in the envelope supplied for the purpose, upon which the postage stamp is printed. If subsequently the deputy returning officer becomes unable to carry out his duties, the poll clerk will do so unless the returning officer appoints a new

deputy. If the poll clerk acts in the place of the first deputy returning officer, he will appoint a new poll clerk on the form of commission which will be found in the poll book.

Sec. 48 (2).  
Form 27.

**156. How Voters' List is to be Obtained.**<sup>1</sup>—In addition to the supplies and forms received from the returning officer each deputy returning officer for an urban polling division will receive a certified copy of the voters' list for his division from the revising officer, and each deputy returning officer for a rural polling division will receive the voters' list for his division from the rural registrar who has prepared it. The name and address of the revising officer or of the rural registrar will be notified to the deputy returning officer by the returning officer. The revising officer or the rural registrar is required to send or deliver to the deputy returning officer a copy of the voters' list so that it will reach him not later than six o'clock on the morning of the polling day. Deputy returning officers will, however, do well to communicate with the revising officer or rural registrar and make sure that they obtain a copy in good time.

Obtaining  
voters'  
list.

Sec. 32,  
Sch. A, R. 23  
Sch. B, R. 5.

**157. Advance Poll Certificates.**<sup>2</sup>—The deputy returning officer may, when he receives the list, find opposite some names the words "Advance poll" which means that the revising officer or rural registrar has issued to that voter a certificate entitling him to vote at an advance poll. After the deputy returning officer has received the list, he may receive from the revising officer or the rural registrar duplicates of similar certificates issued after the deputy returning officer's copy of the list was sent to him. Upon the receipt of any such certificate it is the duty of the deputy returning officer to make a similar entry of the words "Advance poll" on the list opposite the name of the voter described in the duplicate certificate. The entry of these words by either the revising officer, rural registrar or deputy returning officer does not, however, prevent the voter from voting at the ordinary poll if he has not in fact voted at an advance poll. The best evidence that he has not done so would be the production by him of his certificate entitling him to do so; this, if he had used it, he would have had to give up. If he cannot produce his certificate, he should be asked to explain its absence and should be required, before he is given a ballot, to take at least the oath A on the card.

Entries  
of issue  
of advance  
poll  
certificates.

Sec. 102.  
(11).

Sec. 102 (10).

Form 33.

### 3. BEFORE POLL OPENS

**158. Arrangements for Polling Station.**—The deputy returning officer should, if possible on the day before polling day, see that arrangements for the polling station are satisfactory, that the room in which the voting is to be done is sufficiently furnished with chairs and tables, and that the compartment or compartments for voters are so arranged and equipped that each voter may be screened from observation and may mark his ballot paper without interference or interruption.

Polling  
station.

Sec. 55  
(2, 3).

<sup>1</sup> This paragraph is not applicable to advance polls.

<sup>2</sup> This paragraph applies only to such ordinary polls as are opened in the places specified in Schedule 2 of the Act for which advance polls are authorized.



Directions  
to voters.

Form 26.  
Sec. 55 (8).

Form 25.

Agents for  
candidates.  
Sec. 52.

Form 29.

Form 63.

Counting  
ballots  
supplied.

Sec. 54 (1).

**159. Directions to Voters, etc.**—A number of copies of the Directions to Voters supplied are to be posted by the deputy returning officer in conspicuous places in and about the polling station before the opening of the poll, and one copy is also to be posted in each of the compartments provided for voting.<sup>1</sup> The pencil supplied should be fastened to the desk or table upon which the ballots are to be marked by voters or to the wall near it. The copy of the Notice of the Grant of a Poll which the deputy returning officer will receive should be posted up in the polling booth where it can be conveniently referred to.

**160. Swearing Agents of Candidates.**—Each candidate is entitled to appoint two agents to act for him at each polling place, and if at any poll no person presents himself with an authority from any candidate to act as his agent, any two electors may assume that duty on the candidate's behalf. The appointed agents, if any, or if none, the electors, must each complete one of the agents' oaths included in the poll book immediately upon their exercising their right to be present in the polling station. An appointed agent may arrive at any time during the day, and if an elector without an appointment has acted before his arrival, the latter loses his right to continue if the appointed agent desires to replace him. The written appointment of any agent for a candidate will be delivered up to the deputy returning officer and by him placed in the envelope provided for that purpose.

**161. Counting the Ballots Supplied.**<sup>2</sup>—If agents or electors representing candidates are in attendance fifteen minutes before the hour at which the poll opens, they are entitled to inspect all the papers in the hands of the deputy returning officer relating to the conduct of the poll and to have the ballot papers counted in their presence. The deputy returning officer should check the ballots again at this time even if no agent asks to have it done. If any have disappeared the returning officer should be instantly notified of the numbers of the missing ballots.

#### 4. AT OPENING OF POLL

Examination  
of ballot box.

Sec. 56 (1).

Sec. 56 (2).

D.R.O.'s  
initials on  
ballots.

Sec. 63 (1).

**162. Examination of Ballot Box.**<sup>3</sup>—Just before 8 a.m., when the voting should begin, the ballot box should be ascertained to be empty, and any agents or electors representing candidates permitted to inspect it. It should then be locked and the key kept by the deputy returning officer, the box being placed on the table in full view of all present. The electors should then be invited to vote.

**163. Initialling Ballots.**—The deputy returning officer must, before he gives any ballot to a voter, put his initials upon the back of it. The initials must not be written on the counter-foil but on the ballot itself at the place indicated by the printing on the back of the ballot. Half a dozen ballots may be initialled

<sup>1</sup> See special instructions in Part VI applicable to advance polls only.

<sup>2</sup> At advance polls the unused ballots will be counted at the opening of the poll on each of the three evenings.

<sup>3</sup> At advance polls the ballot box will be emptied at the opening of the poll on the second and third evenings and at the beginning of the counting of the ballots on polling day.

by the deputy returning officer at one time,<sup>1</sup> but care must always be taken to see that no ballot is handed to a voter until it has been initialled. The initialling is prescribed for the purpose of ensuring that the paper which the voter returns to the deputy returning officer is the same paper as that which he received from him.

## 5. CONDUCT OF VOTING

**164. Votes on Transfer Certificates.**<sup>2</sup>—The first persons to vote will generally be the deputy returning officer, the poll clerk and the agents for the candidates. Even if they are on the voters' list at some other poll they may, if they have obtained transfer certificates and subject to certain conditions mentioned below, vote at the polling station at which they are actually engaged in the performance of the special duties mentioned. The transfer certificate must be delivered to the deputy returning officer and if any person so demands, the written form of oath appended to it must be signed and sworn, and its having been so certified by the deputy returning officer, before the holder of the certificate is given a ballot. The transfer certificate and the oath, if any, will at once be placed in the proper envelope, and if the oath is sworn, the fact will be noted in the appropriate columns of the poll book. The vote will be given in the usual way, but the poll clerk will note in the remarks column of the poll book opposite the name the words "Voted on Transfer Certificate No.... as," followed by the name of the office or position of the voter, *e.g.* "D.R.O.," "poll clerk," "agent for (*naming a candidate*)" or as the case may be. A candidate himself may vote on a transfer certificate, but never, in any circumstances, more, at any polling station, than two agents for any candidate.

Voting by election officers and candidates' agents.

Sec. 53 (4).  
Form 31.

Form 63.  
Sec. 53 (7).

Sec. 53 (5).

**165. Admission of Voters to Room Where Poll Held.**—Only one voter for each of the voting compartments provided must be permitted to enter at one time the room where the poll is held. If a number of voters are waiting to vote, additional voting compartments ought to be set up and each furnished with a copy of the Directions to Voters and a pencil, in order that this statutory prohibition against the admission to the room where the poll is held of more than one voter to each compartment may not delay the taking of the vote and prevent the deputy returning officer and poll clerk dealing with voters in waiting while others are marking their ballots.

Number of voters admitted limited.

Sec. 56 (4).

**166. Obtaining Name of Voter.**<sup>3</sup>—Upon being admitted to the room where the poll is held each voter should declare his name, address and occupation, which, before anything else is done, the poll clerk will enter in the appropriate columns of the poll book, prefixing in the first column a consecutive number beginning with "1" for the first voter.

Procedure on admission of voter.

S. 56 (3).

<sup>1</sup> This should not be done at advance polls. At such polls no ballot should be initialled until just before it is handed to the voter.

<sup>2</sup> This paragraph is not applicable at advance polls.

<sup>3</sup> Not applicable at advance polls. See special instructions in Part VI.

When voter  
to receive  
a ballot.

Sec. 63 (1).

Form 33.

Sec. 60 (d).

Sec. 64 (2).

Sec. 58 (2).

Mistake in  
voters' list.

Sec. 58 (1).

Form 34.

Urban voter  
not on list.

Rural voter  
not on list.

Sec. 64 (1).  
Forms 33, 35.

**167. When Voter Entitled to Receive a Ballot.**<sup>1</sup>—After the name, occupation and address of the voter have been obtained and written in the poll book the voters' list will be consulted, and, if the name appears thereon, the number which is prefixed to it on the voters' list will be entered in the poll book in the appropriate column. The deputy returning officer will note on the back of the counterfoil of a properly initialled ballot the voter's consecutive number in the poll book, and the voter will be given a ballot immediately unless anybody present desires that he be sworn. If such a desire is expressed, then, before the ballot is delivered to the voter, he will be required to take the oath A on the card. The form number of the oath (33) will be entered in the proper column of the poll book and the words "Sworn" or "Refused to be sworn" entered in the next column according as the oath is taken or refused. If it is taken, the ballot will be handed to the voter unless he appears to be guilty of the crime of perjury or personation, when an information should be immediately sworn and a warrant issued for the offender's arrest. A line will be drawn through the consecutive number and name in the poll book of a voter who refuses to take an oath or answer proper questions, and if he has refused to be sworn his name will also be struck off the voters' list, and opposite his name thereon will be written the words "Refused to be sworn." A voter who has refused to be sworn or to answer proper questions is not to be given a ballot either at the time or later in the day, even if upon reflection or encouragement he thinks better of his refusal.

**168. Variance in Name on Voters' List.**<sup>1</sup>—When a name closely corresponding to that given by the proposed voter is found on the voters' list, but there is a slight variance in the name, address or occupation as given by the voter, the deputy returning officer will have to determine whether it appears that there has been a mistake in the voters' list. If he decides that the variance is probably due to a mistake, he will require the voter to take the oath B on the card, the voters' list will be corrected and in the remarks column of the poll book a note will be made accordingly "Voters' list corrected."

**169. Voter's Name Not on List: Urban Polling Division.**<sup>1</sup>—Unless he has obtained a transfer certificate, a voter must vote at the urban polling division for which his name is on the list, and if he has no transfer certificate and his name is not on the list, he cannot vote at all. When, therefore, an application for a ballot has been made in an urban polling division by a person whose name is not on the list, the name and the consecutive number written into the poll book will be struck out and in the remarks column an entry will be made "Not on list."

**170. Voter's Name Not on List: Rural Polling Division.**<sup>1</sup>—Any resident of a rural polling division may vote notwithstanding that his name has been altogether omitted from the list of voters. In any such case the voter must take the oaths E on the card, and he must also be vouched for upon oath by some other resident of the polling division whose name is on the

<sup>1</sup> Not applicable to advance polls.



voters' list and who must take the oath F on the card. For this purpose, of course, the voter vouching may be admitted to the room at the same time as the voter whose name has been omitted from the list. The oaths the voter is called upon to swear will be noted in the proper column of the poll book and the fact that he has taken them or refused to take them will be entered by the insertion of the word "Sworn" or the words "Refused to be sworn" in the next column. The name and other particulars of the vouching elector, including his number on the voters' list, will be entered in the appropriate columns in the poll book followed in its proper column by the word "Sworn". Thereupon the particulars of the voter whose name was omitted from the voters' list will be added to it with the word "Sworn" following, and the voter may be given a ballot.

Form 36.

Sec. 64 (2).

**171. Voter Requiring an Interpreter.**<sup>1</sup>—An interpreter may be sworn by a deputy returning officer if the services of an interpreter are essential. In polling divisions in which there are a large number of voters whose language is not understood by the deputy returning officer or the poll clerk, the interpreter should be required to remain at the polling place throughout the day. A fee of \$4 will be allowed for his services. Where the necessity for the services of an interpreter arises only in the case of two or three voters, it should be suggested to them that they should obtain the services of some one who understands their language as well as that of the deputy returning officer. The person whose services are so obtained will be sworn, but need not be retained at the polling station throughout the day. He should not ordinarily require any fee, but when the voter would be prevented from exercising his franchise by the lack of an interpreter and cannot get some friend to act in that capacity gratuitously, a reasonable fee of say 50 cents may be allowed for the attendance of an interpreter. The account for the services of such an interpreter should be made out at once before he leaves the polling place.

Employment  
of interpreter.  
Sec. 63 (12).

Sec. 63 (12).

Form 101.

**172. Personated Voter.**<sup>2</sup>—Cases will occur in which a personator has voted in the name of a voter before the voter himself appears to vote. In any such case the voter will, before voting, be required to take the oath C on the card. He must also by his answers to questions, or by producing witnesses, or otherwise as the deputy returning officer requires, satisfy the latter of his identity. A note of the fact of his having taken the oath will be made in the proper column of the poll book and the word "Sworn", or the words "Refused to be sworn" entered in the next column following. The fact that he has otherwise satisfied the deputy returning officer of his identity should be noted in the column of the poll book for remarks. Upon the ballot paper given to such voter there will, in addition to the deputy returning officer's initials, be endorsed the voter's poll book number and in the remarks column of the poll book will be inserted the words "Second ballot; see No.—. . .," men-

Procedure  
when  
personator  
anticipates  
a voter.Form 37.  
Sec. 63 (8).

Sec. 63 (9).

<sup>1</sup> An interpreter should seldom or never be necessary at advance polls. A special explanation of a charge for the services of an interpreter at such a poll will always be required.

<sup>2</sup> Not applicable to advance polls.

tioning the poll book number opposite the name of such voter when it was entered at the instance of the personator. A note will also be made in the remarks column of any objections on the part of the agent for any candidate.

Sec. 63 (9).

Instruction  
of voters.  
Sec. 63 (2).  
Sec. 63 (3).

**173. Instruction of Voters.**—When the voter is handed his ballot, he will, if necessary, be instructed by the deputy returning officer that the ballot is to be folded so that the initials of the deputy returning officer can be seen without its being unfolded, but the name of the candidate for whom the voter voted cannot. This instruction can best be given by the deputy returning officer himself folding the blank ballot, carrying the right-hand edge over to the perforations for the counterfoil and then again bringing the folded edge so made over to the same perforations. The voter will also, if ignorant, be instructed that he is to mark his ballot by placing a cross anywhere in the space in which is printed the name of the candidate or candidates for whom he desires to vote.

Sec. 63 (3).

How voter  
votes.

Sec. 63 (3).

Sec. 62.

Sec. 63 (3).

**174. Conduct of Voter Who Receives a Ballot.**—Immediately upon receiving a ballot the voter should go into one of the compartments provided and there mark it. Only when the voter cannot mark his own ballot by reason of inability to read, blindness or other physical incapacity can any other course be taken, and the special procedure then followed is discussed below. After marking the ballot in the compartment the voter will return it to the deputy returning officer so folded that the latter can see his initials and can, without unfolding the ballot, tear off the counterfoil. The initials and the number on the counterfoil having been examined, the deputy returning officer will tear off and destroy the counterfoil and insert the ballot in the ballot box. Upon this being done the poll clerk should write the word "Voted" in the proper column of the poll book. The voter must, under no circumstances, be asked for whom he has voted or be asked or permitted to show his ballot paper to anybody present. The voter will leave the room as soon as his vote has been polled.

Sec. 61 (d).

Sec. 62.

Sec. 63 (13).

Disposition  
of spoiled  
ballots.

Sec. 63 (7).

Form 68.  
A.P. Form 79.

**175. Spoiled Ballots.**—A voter who has received a ballot may at any time before he has returned it to the deputy returning officer to place in the ballot box, obtain a second ballot in lieu thereof on the ground that he has inadvertently spoiled the first. In any such case the spoiled ballot will be returned to the deputy returning officer folded up, the counterfoil will be removed and the ballot defaced, for example by the deputy returning officer's initials being struck out, and put into the spoiled ballot envelope without any inspection by anybody present. Within reasonable limits the word of the voter that he has spoiled the ballot will always be accepted. A voter's right to obtain another ballot in lieu of the one he has spoiled is not limited to one, but, after one unsuccessful attempt, he should have a very good explanation of a second failure to mark his ballot as he desires.

Blind and  
illiterate  
voters.  
Form 38.  
Sec. 63 (10).

**176. Incapacitated Voter.**—Any blind or illiterate voter or any other voter unable to mark his own ballot, must, before voting, be required to take the oath on the card. The fact of his being so required, and of his having taken the oath

will be entered in the usual way in the appropriate columns in the poll book. Any such voter may, of course, be required to swear any other oath or oaths which may, in the circumstances, be called for. Upon his taking the oath D and any other oaths properly required, the deputy returning officer will ask the voter for what candidate he desires to have his ballot marked. The deputy returning officer will then himself mark the ballot, tear off the counterfoil (which need not have been endorsed with the poll book number) and place the ballot in the ballot box. The nature of the voter's incapacity will be noted in the remarks column. Deputy returning officers will do well, when the ballot of the first incapacitated voter is thus marked, or when any other voter through ignorance or otherwise announces the candidate for whom he has voted, to direct the attention of all present to the fact that a disclosure at any time of the candidate for whom any voter has voted is a criminal offence. No voter who marks his ballot in the ordinary way must be asked to show his ballot paper after he has marked it, and indeed a voter who does so is himself guilty of an offence.

Sec. 63 (10).

Sec. 63 (11).

Sec. 61,  
(c), (e).  
Sec. 62.

## 6. ENFORCEMENT OF LAW AND ORDER

**177. Access to Poll and Peace and Good Order Generally.**—For the purpose of the orderly conduct of his polling station every deputy returning officer has, from the time he takes his oath of office until his duties are finished, the power of a justice of the peace to maintain order. For this purpose he may require the assistance of the ordinary constabulary, may obtain the help of other justices of the peace, and may, for the purposes of maintaining order, himself swear in a constable. At the written request of a candidate or his agent more than one constable may be sworn in. Upon the deputy returning officer rests the responsibility of seeing that voters are not impeded or molested about the polling station, and these powers are given him for the purpose of ensuring that order is maintained in the neighbourhood. They should not be exercised unless there is actual or threatened disorder, and no constable must be appointed unless a constable is necessary to ensure that order is maintained. It is, however, justifiable to appoint one if a number of electors desire to vote at the same time and do not form an orderly queue for that purpose, or if, to ensure their successive and prompt entrance into the polling place, supervision is necessary. Now that one-half of the voters are women, disorder is probably not so likely to occur as it used to be, but the fact that there are now so many women voters makes it doubly important that no condition should be permitted which might give rise, in the mind of any voter, to any apprehension of rough treatment by word or deed in the exercise of his or her franchise.

Enforcing  
order.

Sec. 65 (1).

**178. Arrest and Detention.**<sup>1</sup>—Any person who creates any disturbance or disorder may be arrested by the deputy returning officer himself, or by any other person at the deputy returning officer's direction. If it is advisable to detain any person so arrested he may be kept in custody until not later than six o'clock in the afternoon of polling day, either in the

Arrest of  
disturbers.

Sec. 65 (1) (c).

Sec. 65 (1) (d).

<sup>1</sup> Not applicable to advance polls.



local jail or under the charge of some person specially appointed for the purpose. All that is necessary to make such detention legal is that the deputy returning officer should write on a piece of paper "Hold (*name of person arrested*) in custody until o'clock this afternoon." If the name of the disorderly person is unknown, the words "the person now delivered to you" may be used instead of a name. The order should be addressed to some one who is to be responsible and the deputy returning officer must sign it.

Election  
offences.

Sec. 65 (2).

Form 40 or  
41.

Form 42 or  
43.

Sec. 65 (2-4).

Sec. 65 (7).

**179. Personators and Unlawful Attempts to Vote.**—A deputy returning officer should forthwith order under arrest any personator or person who is guilty of a deliberate attempt to vote knowing he is disqualified. He must do so if so requested by the agent of a candidate. Forms of information and warrant to cover these cases are distributed to all deputy returning officers. If the guilty person is discovered before he leaves the polling station, he can be placed under arrest instantly without waiting for the issue of any document, but the information should be laid at once by the agent who has asked for the arrest, if any, or if none, by any of the persons present prepared to lay it, and the warrant will be issued as soon as the documents can be completed, which should be within a few minutes after the offence takes place. If the guilty person has left the polling station before his offence is discovered, the warrant will be issued to some constable who will proceed to make the arrest. In cases such as these the poll clerk may act as a constable, and any other person may be appointed verbally by the deputy returning officer and may act without taking any oath. The warrant should be made returnable before the nearest magistrate who has the powers of two justices of the peace. Generally speaking this means a county court judge, police magistrate or stipendiary magistrate; where none of these officers exist, two justices of the peace ought to be named in the warrant.

## 7. AFTER CLOSE OF POLL

Persons  
entitled  
to be present  
at count.

Sec. 67 (1).

**180. When Ballots Counted.**<sup>1</sup>—The outer door of the poll will be closed promptly at six o'clock, and after the voters already in the polling station have been allowed to vote, the counting of the votes will be proceeded with. Any candidate is entitled to be present as well as both the agents or electors representing them, and if any candidate is unrepresented, it is the duty of the deputy returning officer to secure the attendance of at least three electors. He may permit as many more as he desires to be present.

Unused and  
spoiled  
ballots.  
Form 64.  
Sec. 67 (1).  
Form 68.  
A.P. Form 79.

**181. Disposition of Unused and Spoiled Ballots.**<sup>2</sup>—When the proper witnesses are present, the first step is to count the unused ballots and put them, with the stubs of the used ballots, into the envelope provided for the purpose, which will be sealed and properly endorsed. The spoiled ballots must then be counted and put into the envelope intended for them. This envelope will be endorsed and the number of spoiled ballots

<sup>1</sup> Not applicable to advance polls.

<sup>2</sup> This paragraph applies at advance polls at the close of the poll on each of the three nights on which voting proceeds. It does not apply on the evening of polling day when the ballots are counted.

noted on the outside. The envelope will then be sealed up, and both envelopes laid aside until the time comes to pack the ballot box.

**182. Counting the Number of Voters.**<sup>1</sup>—The next step is to count the number of voters who appear by the poll book to have voted. Immediately below the name of the voter who last voted, the following certificate will be written and signed by the deputy returning officer: "*The number of voters who voted at this election at this polling station is* . . ." The ballot box will not be opened after the steps mentioned in this paragraph and the last preceding have been fully complied with.

Counting voters in poll book.

Sec. 67 (1).

**183. Counting the Votes.**—The procedure should be as follows:—

Procedure on count.

- (a) The ballots will be unfolded successively by the deputy returning officer, who will examine each and verify his initials upon it. He will call out the name of the candidate for whom each ballot has been marked so as to permit any person present to keep his own score. Either he or the poll clerk will keep a score whether or not others do so. The examination of the ballots must be so conducted as to permit every person present, if he so desires, to see both the mark on the face of the ballot and the initials on the back. The ballots marked for each candidate will be kept apart.<sup>2</sup>
- (b) If any ballot is found in the box with its counterfoil which the deputy returning officer has forgotten to detach, he will now detach it, being careful not to look at the poll book number himself or to allow any one else to see it.
- (c) Any irregular or invalid ballot will be rejected either by the deputy returning officer of his own motion or upon objection to it being made by any other person present at the count and sustained by the deputy returning officer. The validity of each ballot will be finally determined before another is considered. No deputy returning officer will go far wrong if he accepts all ballots not falling within one of the three following specified classes, viz;

Sec. 67 (1).

Sec. 63 (4).

Sec. 67 (2).

(i) *Ballots not supplied by the deputy returning officer.* These will ordinarily be identifiable by examination and generally by their lacking the deputy returning officer's initials. But ballots the deputy returning officer has inadvertently omitted to initial should not on that account be rejected.

(ii) *Ballots not marked for any candidate or marked by the voter for more candidates than are to be elected.*

(iii) *Ballots upon which the voter has made any mark or writing by which he could be identified.* Thus any ballot marked for a candidate otherwise than with a cross, e.g., with a circle, a single line or any other figure which is not a cross, should be rejected. So a ballot should be rejected if,

<sup>1</sup> Not applicable to advance polls.

<sup>2</sup> It is not impossible to comply with this direction in electoral districts returning two members.

although the voter has made a proper cross, he has added anywhere on the ballot any additional voluntary mark or any writing, whether initials, names or words. Finally, if a proper pencil has been provided, ballots marked in ink or coloured pencil should be rejected. But a black pencil cross with arms intersecting in a candidate's space will be accepted, unless any peculiarity in the cross is apparently deliberate and is such that the voter could be identified by its description. Subject to that condition, it does not matter whether a cross is irregular, shaky or ill made or what is its shape or position in the candidate's space. No apparently involuntary mark made by the voter, and no mark, voluntary or otherwise, made by the deputy returning officer, justifies the rejection of a ballot.

Form 124.

Sec. 67 (3).

(d) If any ballot is objected to by any one present, the nature of the objection will be entered on the page of the poll book provided for the purpose; the consecutive number of the objection as entered, and the initials of the deputy returning officer, will be endorsed upon the ballot so that it may be identified on a recount as the ballot to which the objection refers. The deputy returning officer will at once announce his decision as to whether or not the vote is to be counted, and his decision will be noted in the proper column of the record of objections. The deputy returning officer will initial the record of his decision as to the acceptance or rejection of the ballot.

Putting  
ballots  
in their  
envelopes.

Sec. 67 (4).  
Form 62.

Form 67.  
Sec. 67 (4).

Form 61.  
A.P. Form 78.

**184. Packaging of Ballots.**—As soon as the count has been completed, the scores compared and the total agreed upon, the ballots cast for each candidate will be placed separately in one of the envelopes provided for the purpose.<sup>1</sup> On each of these will be endorsed the number of ballots it contains and the name of the candidate or candidates for whom they have been counted. These envelopes will then be sealed. The rejected ballots will then be placed in the proper envelope, which will be endorsed with the number of ballots contained in it and will likewise be sealed. The agents of the candidates may, if they so desire, add their own seals to any of the envelopes containing ballots and may also put their names on the outside of the envelopes. All the envelopes containing ballots including, in addition to those just referred to, that containing spoiled ballots, should at this stage be put into the large envelope, but this must not yet be sealed.

Oaths after  
count.  
Sec. 67 (5).  
Book C or D.

**185. Oaths of Election Officers After Count.**—As soon as all the ballots have been put into their envelopes the deputy returning officer and the poll clerk will complete and swear their oaths with respect to the conduct of the poll which will be found in the poll book. Each of them may swear his oath before the other.

<sup>1</sup> This direction cannot be complied with in electoral districts returning two members.



**186. Statement of the Poll.**—In the poll book will be found three copies of a statement of the poll which must all be made out and dealt with as directed upon them respectively. One copy is bound into the poll book and will not be removed from it. The two others are detachable and will be taken out at the perforations provided for that purpose; one will be retained by the deputy returning officer himself, the other he will put into the envelope provided for the purpose, which will be sealed and put into the ballot box. It must not be enclosed in any other envelope since it is from this copy of the statement that the returning officer on the final addition of the votes makes up the total of the votes polled for each candidate, and the returning officer must find it by itself in its proper envelope in the ballot box.

Statement of the poll.  
Sec. 67 (6)  
Book C or D.

Form 66.

**187. Certificate of the Poll.**—There will also be found in the poll book a number of forms of certificate of the poll for delivery to candidates and their representatives. Of these two copies will be made for each candidate, one copy for each being forthwith delivered to an agent or representative of the candidate present, and the other placed in one of the envelopes which are provided for that purpose and on which the postage stamps are printed. The several envelopes will be addressed to the candidates respectively at the addresses given in the ballot paper.

Certificate of poll.  
Book C or D.

Sec. 67 (6).  
Form 95.

**188. Packaging the Remaining Papers.**<sup>1</sup>—The list of voters will now be put into the appropriate envelope, which should already contain the appointments of the candidate's agents and any transfer certificates on which they or election officers have voted. The envelope will be endorsed with the name of the electoral district and the number of the division, and will be sealed. It will then itself be placed in the large envelope and with it in this large envelope there will be put also the poll book, which will be folded for the purpose. When the large envelope is ready to seal, it should, in addition to the poll book, have in it the envelope containing the list of voters, etc., and all the envelopes containing ballots—unused, spoiled, rejected and counted for each candidate—each lot in its proper envelope. The large envelope will now be sealed with sealing wax, endorsed and put in the ballot box, which will then contain only the two envelopes, the large one and the small. Failure exactly to carry out the instructions on the subject of the placing of the papers in their proper envelopes and of the putting of the two envelopes separately into the ballot box involves the forfeiture of the deputy returning officer's right to his fees and expenses.

Putting remaining papers in their envelope.  
Form 63.

Form 61.  
Sec. 67 (7).

Forms 61, 66.  
Sec. 67 (10).

**189. Locking and Sealing the Ballot Box.**—When the presence in the ballot box of these two envelopes, and nothing else, has been ascertained, the ballot box should be locked up and sealed with the gummed seals provided for that purpose. The deputy returning officer should sign his name on the seals, and any agent who so desires may also do so. No sealing wax will be used on either the ballot box or the padlock. The ballot box label addressed to the returning officer will then be completed and affixed to the ballot box and the ballot box key will be put into the special small envelope supplied to receive it;

Sealing the ballot box.  
Forms 61 and 66.  
Sec. 67 (7).  
Form 116.

Form 71.

Form 58.  
Form 65.

<sup>1</sup> Not applicable at advance polls. See special instructions in Part VI.

this will be sealed and put into the envelope which is also to contain the polling station account.

Account.  
Form 101.

### 190. Polling Station Account or Expense Voucher.—

After the ballot box has been locked and sealed, the polling station account<sup>1</sup> will be made out. The form provided contains full instructions for its proper completion, and these should be carefully followed, since, if prompt payment is to be obtained, the account must be regular in form and signed by everyone whose signature is required. Especial care should be taken that the number of the polling division, as this is given in the Notice of Grant of Poll, is correctly stated in the account. Upon this being correctly completed, it will be put (with the ballot box key) into the envelope addressed to the returning officer, and this will be sealed up and the address completed.

Form 65.

Return of  
ballot box,  
etc.  
Sec. 67 (9).

### 191. Disposition of the Ballot Box, Etc.—

The ballot box, and the envelope containing its key and the polling station account, will be returned to the returning officer by registered mail, post free, unless the latter has directed some other form of delivery. The box and the envelope will be separately registered, and the deputy returning officer will carefully preserve the two registration receipts, in order that, if either registered package goes astray, he may be able at any time to prove their proper despatch. At the same time as these are registered, the envelopes addressed to candidates will be posted.

Form 95.

<sup>1</sup> The tariff allowances for deputy returning officers, poll clerks, interpreters and constables are as set out in Sections VI, VII, VIII and X of the Tariff, as follows:

#### VI. DEPUTY RETURNING OFFICERS:

21. For services at ordinary polls including all oaths and travel to and from poll when resident within five miles of the polling station.....\$ 7 00
22. For services at an advance poll including three sittings, counting of votes and all oaths and travel ..... 10 00
23. For the use of a polling station for an ordinary poll (including fuel, light, furniture and screen): the actual expenses necessarily incurred not exceeding:
  - (a) in cities of 10,000 and over..... 10 00
  - (b) in other places ..... 5 00
24. For the use of a polling station for an advance poll; in full for all sittings and including fuel, light, furniture and screen; the actual expenses necessarily incurred not exceeding ..... 10 00

NOTE.—A deputy returning officer in a rural polling division will, if his place of residence is more than five miles distant from the polling station, be entitled to the travelling allowances specified in section X for the total distance of necessary travel to and from the polling station, and will also be entitled to such travelling allowances for necessary travel to obtain or deliver the ballot box. Deputy returning officers in urban polling divisions or at advance polls will not be entitled to travelling allowances.

#### VII. POLL CLERKS:

25. For services at ordinary poll, including travel to and from the poll when resident within five miles ..... 4 00
26. For services at an advance poll: in full for all attendances ..... 7 00

NOTE.—Poll clerks will be entitled to the same travelling allowances as deputy returning officers but an allowance will not be made to both the deputy returning officer and the poll clerk for any journey for the purpose of obtaining or delivering the ballot box.

#### VIII. INTERPRETERS AND CONSTABLES:

27. For services when necessarily employed: per day of not less than six hours.. 4 00
- NOTE.—Interpreters and constables are not entitled to any travelling allowances.

#### X. TRAVELLING ALLOWANCES:

29. For necessary travelling, including all expenses and services, except in the case of a messenger and the election clerk:
  - (a) By rail: per mile ..... 0 10
  - (b) By road: except in British Columbia, per mile ..... 0 25
  - (c) By road: in British Columbia, per mile ..... 0 30
  - (d) By water, and for any journey by land, in lieu of the foregoing rates at the discretion of the Auditor General: the reasonable and actual expenses necessarily incurred.

## LIST 5.

FORMS, ETC., FOR USE BY DEPUTY RETURNING OFFICERS  
AT ORDINARY POLLS

(The following are all contained in the package sent to the returning officer for distribution.)

Code Word	Form or Book No.	Description	Number included in package	Referred to in Instrns. para.
Eassel.....	C	Poll Book.....	1	Various.
Abececlary.....	A	Election Instructions (D.R. O's).	1	150
Ecudate.....	26	Directions to voters.....	10	159
Ecbole.....	39, 41	Information for personation...	2	179
Ecdysis.....	40, 42	Information for voting without qualification.	2	179
Echidna.....	58	Envelope for key of ballot box	1	189
Eclogite.....	61	Envelope for poll book.....	1	Various.
Ecostate.....	62	Envelope for ballots cast for candidates.	4	184
Ectasis.....	63	Envelope for voters' list, etc...	1	160, 164, 188
Edacious.....	64	Envelope for unused ballots...	1	181
Eclentate.....	65	Envelope for polling station account and ballot box key.	1	189, 190
Efferent.....	66	Envelope for statement of poll.	1	186, 188
Efforce.....	67	Envelope for rejected ballots..	1	184
Egence.....	68	Envelope for spoiled ballots...	1	175, 181
Egality.....	71	Label for ballot box.....	1	189
Eglantine.....	88	Envelope containing all sta- tionery required except Bible and ink.	1	159
Egophony.....	95	Envelope addressed to candi- dates.	4	187
Eidolon.....	96	D.R.O.'s letter advising name of poll clerk.	1	155
Eleatic.....	98	Envelope for letter Form 96...	1	155
Automatic.....	101	Polling station account.....	1	171, 190
Avocado.....	116	Seal for ballot box.....	2	189

Sufficient of the foregoing are contained in the package when no more than four candidates are running, and returning officers will add to distribution:

Elenge.....	33-38	Card of oaths for electors <sup>1</sup> ....	1 for each poll	Various.
	25	Notice of Grant of a Poll.....	1 for each poll	159
		Ballots.....	Number required...	154, 161
Ecostate.....	62	Envelope for ballots cast for candidates.	1 for each candidate over four.	—
Egophony.....	95	Envelope addressed to candi- dates.	“ “	—

<sup>1</sup> This card will be printed only after the issue of the writ for the election.



## DOMINION ELECTIONS ACT

DIARY OF DUTIES  
OF DEPUTY RETURNING OFFICERS AT ORDINARY POLLS.

Paragraph of Instructions.	Duties	Check when done.	Paragraph of Instructions.	Duties	Check when done.
<b>I. ON APPOINTMENT:—</b>			<b>IV. AFTER CLOSE OF POLL AT 6 P.M. (STANDARD TIME):—</b>		
152	1. Swear oath of office.....		180	1. Admit witnesses.....	
152	2. Return oath to R.O.....		181	2. Package unused ballots.....	
154	3. Check supplies and forms.....		181	3. Package spoiled ballots.....	
155	4. Appoint poll clerk.....		182	4. Certify number of voters.....	
155	5. Have poll clerk's oath sworn....		183	5. Count the votes.....	
155	6. Notify R.O. of his appointment.		184	6. Package ballots.....	
156	7. Obtain voters' list.....		185	7. Swear oaths.....	
<b>II. BEFORE POLLS OPEN:—</b>			186	8. Prepare three statements of poll.	
157	1. Note advance poll certificates....		186	9. Put one in D.R.O's pocket.....	
158	2. Inspect polling station.....		186	10. Put one in envelope.....	
154	3. Provide a Bible and ink.....		186	11. Put envelope in ballot box.....	
159	4. Post directions to voters.....		187	12. Prepare certificate of poll.....	
160	5. Swear candidates' agents.....		187	13. Deliver copy to each agent.....	
161	6. Count ballots.....		187	14. Address copies to candidates.....	
<b>III. AT OPENING OF POLL AT 8 A.M. (STANDARD TIME)</b>			188	15. Package remaining papers.....	
162	1. Examine and lock ballot box....		189	16. Lock, seal and address the ballot box.	
163	2. Initial a few ballots.....		189	17. Put ballot box key into its envelope and this into another.	
164-176	3. Properly conduct the vote.....		190	18. Prepare polling station account.	
164	4. Observe instructions as follows:—		190	19. Put it into envelope with key....	
165	(a) Votes on transfer certificates		191	20. Despatch ballot box and envelope to R.O.	
166	(b) Admission of voters to poll..		191	21. Mail certificates of poll to candidates.	
167	(c) Obtaining name of voter.....				
168	(d) Entries and oaths.....				
169-70	(e) Variance from voters' list.....				
171	(f) Voter not on list.....				
172	(g) Interpreters.....				
173	(h) Personated voters.....				
174	(i) Instruction of voters.....				
175	(j) How voter marks ballot.....				
176	(k) Spoiled ballots.....				
	(l) Incapacitated voter.....				
177	5. See that order is maintained.....				
178	6. Arrest disorderly persons and personators.				

## PART VI

## DUTIES OF DEPUTY RETURNING OFFICERS AT ADVANCE POLLS

(References to sections are to those of the Dominion Elections Act)

**200. Reference to Part V.**—In this Part the general instructions to deputy returning officers are not repeated. Footnotes to those instructions indicate which of them are inapplicable to deputy returning officers at advance polls and this Part is limited to the differences in the procedure at advance polls from that followed at ordinary polls. Deputy returning officers at advance polls should therefore read Part V, but there is appended to this Part a special list of forms for use at advance polls and a special diary of duties for deputy returning officers thereat. They will not follow the diary for deputy returning officers at ordinary polls.

Reference to Part V.

**201. Directions to Voters and Notice of Poll.**—With the Directions to Voters posted outside the polling station at the opening of the poll at 7 p.m. there will also be posted a copy of the Notice of Advance Polls. Both this and the Directions to Voters will be taken down at the close of the poll at 10 p.m. on each evening and reposted on the following evening when the poll is reopened.

Posting notices.  
Form 26.  
Sec. 55 (8).  
Form 53.

**202. Obtaining Certificate and Declaration from Voter.**—No person will be allowed to vote at an advance poll unless he presents a certificate from a revising officer or rural registrar that he is entitled to do so. Only revising officers and rural registrars for places at which advance polls are authorized to be established<sup>1</sup> are entitled to issue such certificates, but a voter to whom a certificate has been properly issued may vote at any advance poll in the electoral district. On entering the room where the poll is being held, the voter will be asked for his certificate and will be required to sign the declaration at the bottom of the same sheet; he will not be given a ballot unless the deputy returning officer is satisfied by a comparison of the two signatures that they were both written by the same hand. If the signatures are different or the voter refuses to sign the declaration, he should immediately be arrested as a personator, unless it is ascertained by questioning him or otherwise that the difference in the signatures or the refusal to sign is reasonable and that he should not be considered to have tried to commit a crime.

Procedure at poll.  
Sec. 102 (10).  
Form 54.  
Sec. 102 (11).  
Sec. 102 (17).  
Sec. 102 (10).  
Form 55.

**203. When Voter Entitled to Receive a Ballot.**—The proper signature of the declaration does not absolve the voter from being required to take the oath A on the card, if so required. If he is called upon to do so, a note of the oath he is asked to take and of his having taken or refused it will be made on the certificate which he presents.

Oaths of voters.  
Form 33.  
Forms 54, 55.

<sup>1</sup> A list of the places at which advance polls are authorized to be established appears in Schedule 2 to the statute.

Procedure at  
close of poll.

### **204. Proceedings at Close of Poll on First, Second, and Third Days.**

—Immediately after the close of the poll on each of the three evenings upon which votes are received, the first duty of the deputy returning officer is to count the certificates upon which votes have been cast and put them and the unused ballots into the envelope provided for the purpose, endorse it with the information required as indicated upon it, and seal it up. The next thing is to put the spoiled ballots into their proper envelope, and seal and endorse this. The ballot box will then be opened and the ballots contained in it emptied into the envelope provided for the purpose. This will be done in such a way as not to disclose how any ballot has been marked, and the envelope will be immediately sealed up, endorsed, and put with all the other envelopes and papers into the ballot box, which will be locked and sealed with one or two of the gummed seals provided for the purpose. The deputy returning officer will write his name on the seal and will permit any agent who so desires to do so also. The utmost care of the ballot box should be taken by the deputy returning officer until the next evening. The Directions to Voters posted up should be taken down and preserved.

Form 77.

Sec. 102 (18).

Form 79.

Form 76.

Form 116.

Sec. 102 (18).

Reopening  
poll.

**205. Procedure at Reopening of Poll.**—At the reopening of the poll on the second and third evenings the Directions to Voters will be again posted up and the ballot box opened and emptied. The envelopes containing the ballots used or spoiled by voters on the preceding evening or evenings will then be replaced in the ballot box unopened and the box will be locked up. The envelope containing the unused ballots and the certificates will then be opened and the former will be counted.

Procedure  
on polling  
day.

Sec. 102 (21).

### **206. Procedure at Counting of Ballots on Polling Day.**

—At the advance polling station, on the evening of polling day at 6 p.m., the ballot box will be emptied, and the three envelopes containing ballots cast will be opened. The count will be carried out as at an ordinary poll. The three envelopes containing spoiled ballots and the envelope containing the certificates and unused ballots will remain unopened.

Packaging  
papers.

**207. Packaging the Papers.**—After the count has been completed, the counted ballots put into their proper envelopes, the oaths taken, the statements and certificates made out and properly dealt with, and the polling station account completed, the deputy returning officer will then put Book D and all envelopes containing the used and unused ballots and the certificates into the large envelope, according to the instructions printed upon it. The remaining steps are described in **Part V**.

Form 78.



## LIST 6

FORMS, ETC., FOR USE BY DEPUTY RETURNING OFFICERS  
AT ADVANCE POLLS*(The following are all contained in the package sent to returning officers for distribution)*

Code Word	Form or Book No.	Description	Number included in package	Referred to in Instrns. para.
Fabaceous..	D	Oaths and statements for use at poll.	1	Various
Abecedary..	A	Election Instrns. (D.R.O's).....	1	150
Ecudate....	26	Directions to voters.....	20	159
Ecbole.....	39, 41	Information for personation.....	2	179
Ecdysis....	40, 42	Information for voting without quali- fication.	2	179
Echidna....	58	Envelope for key of ballot box.....	1	189
Ecostate....	62	Envelope for ballots cast for candi- dates.	4	184
Edentate...	65	Envelope for polling station account and ballot box key.	1	189, 190
Efferent....	66	Envelope for statement of poll.....	1	186, 188
Efforce.....	67	Envelope for rejected ballots.....	1	184
Egality.....	71	Label for ballot box.....	1	189
Fagotta....	76	Envelope for ballots on 1st, 2nd and 3rd days.	3	204
Faineant....	77	Envelope for certificates and unused ballots.	3	204
Faitor.....	78	Envelope for Book D.....	1	207
Falcate.....	79	Envelope for spoiled ballots.....	3	204
Eglantine...	88	Envelope containing all stationery required except Bible and ink.	1	159
Egophony..	95	Envelope for candidates.....	4	187
Eidolon....	96	D.R.O's letter advising name of poll clerk.	1	155
Eleatic.....	98	Envelope for letter Form 96.....	1	155
Automatic..	101	Polling station account.....	1	171, 190
Avocado....	116	Seal for ballot box.....	10	204

*Sufficient of the foregoing are contained in the package when no more than  
four candidates are running, and returning officers will add to distribution.*

Elenge.....	33-38	Card of oaths for electors <sup>1</sup> .....	1 to each D.R.O....	Various
	53	Notice of Advance Poll.....	5 to each D.R.O....	201
		Ballots.....	Number required..	154, 161
Ecostate....	62	Envelope for ballots cast for candi- dates.	1 for each candidate over four.	—
Egophony..	95	Envelope for candidates.....	1 for each candidate over four.	—

<sup>1</sup> This card will be printed only after the issue of the writ of election.

**DOMINION ELECTIONS ACT**  
**DIARY OF DUTIES OF DEPUTY RETURNING OFFICERS AT ADVANCE POLLS**  
 Note: All hours are standard time

Days before Polling Day <sup>1</sup>	Para. of Instrns.	Duties	Check when done
		<b>I. ON APPOINTMENT:—</b>	
	152	1. Swear oath of office.....	
	152	2. Send it to R.O.....	
	154	3. Check supplies and forms.....	
	155	4. Appoint poll clerk.....	
	155	5. Have poll clerk's oath sworn.....	
	155	6. Notify R.O. of his appointment.....	
		<b>II. DURING THE DAY:—</b>	
3	158	1. Inspect polling station.....	
	154	2. Provide a Bible and ink.....	
		<b>III. BEFORE OPENING OF POLL:—</b>	
	201	1. Post directions and notice.....	
	160	2. Swear candidates' agents.....	
	161	3. Count ballots supplied.....	
		<b>IV. AT OPENING OF POLL AT 7 P.M.:—</b>	
	162	1. See that ballot box empty.....	
	162	2. Lock ballot box.....	
		<b>V. DURING HOURS FOR POLLING:—</b>	
	165	1. Admit voters to polling station.....	
		2. Conduct vote as directed.....	
	202	(a) Receive certificates.....	
	203	(b) Swear voters as required.....	
	171	(c) Interpreters.....	
	173	(d) Instruction of voters.....	
	174	(e) How ballots marked.....	
	175	(f) Spoiled ballots.....	
	176	(g) Incapacitated voters.....	
	177	3. Enforce law and order.....	
	202	4. Deal with personators.....	
		<b>VI. AFTER CLOSE OF POLL AT 10 P.M.:—</b>	
	204	1. Count certificates.....	
	204	2. Place them and unused ballots in envelope.....	
	204	3. Place spoiled ballots in envelope.....	
	204	4. Empty ballots cast into envelope.....	
	204	5. Place all papers in ballot box.....	
	204	6. Lock and seal ballot box.....	
	204	7. Take down directions and notice.....	
	204	8. Take care of ballot box.....	

<sup>1</sup> If Sunday intervenes add 1 to number noted.

DIARY OF DUTIES OF DEPUTY RETURNING OFFICERS, ETC.—*Con.*

Days before Polling Day <sup>1</sup>	Para. of Instrns.	Duties	Check when done
2		<b>VII. BEFORE OPENING OF POLL:—</b>	
	205	1. Post up directions and notice.....	
	205	2. Empty ballot box.....	
	205	3. Replace envelope containing ballots cast yesterday....	
	205	4. Replace yesterday's spoiled ballot envelope.....	
	205	5. Lock the ballot box.....	
	205	6. Open unused ballot and certificate envelope.....	
	205	7. Count unused ballots.....	
	See above.	<b>VIII. DURING THE POLL:—</b> 1. Proceed with voting as on preceding day.....	
	See above.	<b>IX. AFTER CLOSE OF POLL:—</b> 1. Proceed as at close of poll on preceding day.....	
1	See above.	<b>X. BEFORE, DURING AND AFTER POLL:—</b> 1. Proceed exactly as on preceding day.....	
0  Polling  Day		<b>XI. At 6 P.M.:—</b>	
	206	1. Attend at advance polling station.....	
	180	2. Admit proper witnesses.....	
	206	3. Empty the ballot box.....	
	206	4. Open 3 envelopes containing ballots cast.....	
	183	5. Count the votes.....	
	184	6. Package the ballots.....	
	185	7. Swear oaths.....	
	186	8. Prepare statements of poll.....	
	186	9. Put copy statement in envelope.....	
	186	10. Put envelope in ballot box.....	
	186	11. Put copy in D.R.O's pocket.....	
	187	12. Prepare certificates of poll.....	
	187	13. Deliver copy to each agent.....	
	187	14. Address copies to candidates.....	
	188, 207	15. Put papers in large envelope.....	
	188	16. Put large envelope in ballot box.....	
	189	17. Lock, seal and address ballot box.....	
	189	18. Put ballot box key in envelope and this in another...	
	190	19. Prepare polling station account.....	
	190	20. Put it into envelope with key.....	
	191	21. Despatch ballot box and envelopes to R.O.....	
	191	22. Mail certificates to candidates.....	

<sup>1</sup> If Sunday intervenes add 1 to numbers noted.



## PART VII

### RIGHTS AND OBLIGATIONS OF CANDIDATES

*NOTE.—The attention of candidates is particularly directed to what is said in paragraphs 225-229 inclusive.*

#### 1. INTRODUCTORY

Use of this  
part of  
Instructions.

Diary.

**224. Scope of This Part.**—This part of the Election Instructions has been prepared for the purpose of enabling candidates and their friends to obtain an idea of their rights and obligations more easily than is possible by an examination of the Dominion Elections Act. For convenience of indexing the paragraph numbers in this Part follow those of the instructions to election officers, but the succeeding paragraphs are in no sense authoritative, and it is necessary to reiterate even more emphatically than it is stated in paragraph 2 that in any case of doubt the provisions of the statute itself should be consulted. The intention is that what follows may serve as a guide to candidates, to their official agents and to other persons who might through ignorance involve themselves in difficulties and perhaps cause the loss of his seat to a successful candidate whom they have supported. The diary at the conclusion of this Part is designed for the use of candidates and official agents who may perhaps find it a convenience.

#### 2. OFFICIAL AGENTS AND CAMPAIGN FINANCE

Candidates  
and official  
agents.  
Sec. 2 (b).

Sec. 79 (1).

Sec. 79 (1).

Sec. 79 (4, 5).

Con. El. Act,  
sec. 49.

**225. Candidates and Official Agents.**—Formal nomination is by no means necessary to constitute a person a candidate at an election. By statutory definition everyone becomes a "candidate" who is declared by himself or others to be a candidate at a time when there is a vacancy in the electoral district in question either in consequence of the dissolution of Parliament or otherwise. Every candidate in this broad sense must have an official agent, who should be appointed by the candidate himself, but may probably be appointed by someone else on his behalf if he is not in the electoral district at the time the formal nomination is made.<sup>1</sup> Written notice of the appointment of an official agent may be given to the returning officer by or on behalf of the candidate at any time, and upon receiving any such notice it is the duty of the returning officer publicly to advertise the appointment. For the protection of the candidate the earlier the notice of the appointment is given the better; it need not be given until nomination day, but if the giving of it is delayed until some time after the candidate has entered the field, his friends should be advised of the person selected in order that they may not jeopardize the candidate's return or expose themselves to penalties by individually paying election expenses which should have been met by the official agent. A candidate is almost as fully responsible for the acts of his official agent as

<sup>1</sup> No official agent or the partner or clerk of an official agent may act as returning officer, registrar or deputy returning officer; for any such person to do so is an offence. See sec. 79 (3).

he is for his own, and since the official agent can do almost anything that the candidate himself can do in relation to the election, as well as many things the candidate cannot, he should be a person upon whose capacity, judgment and probity the candidate can rely with complete confidence. If the official agent selected is a person who can be depended upon to familiarize himself with the election law and keep full and accurate accounts, the details of the financial organization of the campaign may safely be left to him; the general principles upon which he should act are quite simple and their application requires only care and intelligence, but an official agent who is not thoroughly competent and entirely trustworthy may expose a successful candidate to the loss of his seat in spite of every effort on his part to ensure the proper conduct of his campaign.

**226. Duties of Official Agents.**—The principal function of an official agent is to act as the candidate's campaign treasurer. With certain exceptions referred to below, every dollar expended by or on behalf of a candidate for the purpose of, or in discharge of a liability incurred in, the conduct or management of an election, must pass through his official agent's hands, and it is immaterial whether the payment has been made or the liability incurred while a vacancy exists in the representation of the electoral district or after it has been filled. It is an election offence for any one except the official agent to pay any election expense or discharge any election liability not within an excepted class, and practically every contribution to any election fund must consequently be made to the official agent directly; it is inadvisable and may possibly be dangerous for a candidate himself to receive any contribution, even if he hands it at once to his official agent. After the election every candidate and every official agent must make a declaration verifying an itemized statement of receipts and expenditures made by him or on his behalf in relation to the conduct or management of the election, and the omission from this statement of any receipt or expenditure of which the declarant has knowledge may result in the setting aside of the candidate's election if he has been successful, and will in any event expose the declarant to a prosecution for perjury. The utmost care should consequently be exercised to ensure that every contribution to a candidate's election expenses is made to his official agent, and that the official agent makes every election disbursement, unless the contribution or expenditure falls within one or other of three defined exceptions. The first exception includes all disbursements made by any one for stationery, postage, telegrams and other petty expenses under a previous written authority from the official agent which specifies the total amount beyond which the expenditure is not to extend, and the second includes any disbursement made by any one out of his own money for any small expense legally incurred of which no part is repaid to him; for the payment of such last mentioned small expenses no previous authority is necessary, but it is only when such a previous authority has been given that an expenditure made by any one other than the official agent may be reimbursed to the person by whom it has been made. The third exception includes

Official  
agent's  
duties.

Sec. 79 (4).

Sec. 2 (b).

Sec. 79 (5).

Sec. 80 (1, 3).

Sec. 79 (17).

Sec. 79 (4b).

Sec. 79 (4a,  
15).

the disbursements made by the candidate himself out of his own money for his personal expenses up to a total of \$500. No candidate is permitted himself to pay out any item of expenditure not properly a personal expense and may not disburse, even for his personal expenses, any money contributed by any one else, or even his own money in excess of \$500, although he may furnish his official agent with as much money as he likes for the purpose of meeting election expenses generally or his own personal expenses in excess of the sum named.

Campaign  
contributions  
by companies  
or associations.  
Sec. 9.

**227. Campaign Contributions From Companies and Associations.**—With one not unimportant exception, all contributions to any campaign fund must be made by individuals. No unincorporated association or company may under any circumstances apply its funds for election purposes, even through an official agent, and this is equally true of all incorporated bodies except those which have been incorporated for political purposes alone. The individuals belonging to or acting for any organization not falling within the exception, who are parties to the application of its money contrary to this prohibition, become individually liable to heavy punishment. A candidate will not become liable to punishment by reason of the innocent acceptance of the benefit of money thus illegally subscribed or paid, and an official agent will not become so liable by reason of its innocent receipt, but candidates and their official agents will, if they are wise, refuse to receive any subscriptions from any company or association without first making careful enquiry and ascertaining that it has been duly incorporated and that the purposes for which it has been so are exclusively political. If subscriptions are accepted by a successful candidate from a company or association forbidden to make them, the candidate will run a risk of having his election set aside.

Objects and  
amount of  
election  
expenditure.  
Sec. 66 (3, 4).

Sec. 81.

Sec. 82.

Sec. 11.

Sec. 31.

**228. Permissible and Forbidden Expenditures.**—Payment by any one directly or indirectly for the conveyance of voters to the poll is expressly forbidden, and the supply of flags, ribbons, favours or labels to be carried or worn on or within eight days before polling day is likewise prohibited. No payment may, of course, be made either directly to induce any one to vote or abstain from voting, or to cause others to do so, or indirectly for this purpose either by the supply of anything, even food and drink, or in any other way; any payment intended as an inducement is corrupt, no matter what its ostensible object. But there is no limitation upon the amount which a candidate may lawfully disburse in good faith, or any restriction, except as above noted, upon the objects of such expenditure. It must, however, be remembered that any person who is employed for pay or reward in any capacity on behalf of a candidate is thereby disqualified from voting and must not be permitted to vote.

Election  
accounting.  
Sec. 79 (16).

Sec. 80 (1).

**229. Accounting and Precautionary Measures.**—The candidate should himself keep careful track of the personal expenses he incurs, since he must after the election certify their amount to his official agent in writing in order that the latter may include it in his return. The official agent must carefully record all the subscriptions received and disbursements made so that he can, after the election, render an accurate account showing the source and application of all the funds collected and



disbursed for the purpose of the campaign; to this he must be prepared to attach itemized vouchers from all the persons to whom he has paid any sum of \$10 or more or to whom he has refunded any petty expenditure, no matter what its amount, made pursuant to a written authority given by him before the petty expenditure was incurred. It is also advisable for the candidate and his official agent to take such action as seems possible to prevent indiscretions on the part of the candidate's supporters, since the avoidance of the election, which might otherwise follow from a corrupt practice committed by an agent (other than the official agent), may be escaped by proof that the candidate and his official agent have taken all reasonable means to prevent such practices.

Sec. 79 (7).  
Sec. 80 (2).  
Sec. 79 (18).

Con. El. Act,  
sec. 54.

### 230. Notification of Appointment of Official Agent.—

Formal written notice must, at least on nomination day, be given to the returning officer of the name and address of the official agent selected, and the returning officer is required, forthwith upon the information having been received by him, to give public notice of the appointment. It is not essential that the returning officer should be notified before nomination day, but if the formal nomination of the candidate is actually made in advance of that day, the appointment had better be made at the same time according to the form for that purpose printed on the back of the form of nomination paper. Moreover, as already suggested, there is probably an advance in giving formal notice of the appointment of the official agent at the earliest possible time, even before the formal nomination.<sup>1</sup>

Advertise-  
ment of  
official agent.  
Sec. 79 (1).

Form 22.

### 231. Death or Refusal to Act of Official Agent.—If,

before the name and address of the official agent has been formally declared to the returning officer and public notice thereof has been given by him, the person selected dies or becomes unable or refuses to act, another selection should at once be made. If, after the returning officer has given his notice of an appointment, the appointee dies or becomes legally incapacitated, a fresh formal declaration of the name and address of a new official agent must be given to the returning officer and advertised by him; the same course should doubtless be taken if the appointee becomes incapable of acting for any other reason or refuses to continue to act. Whenever one official agent is substituted for another, as complete a return as possible should be obtained from the first appointee of the sums received and expended by him during the time he acted. If an official agent refuses to furnish a return, an application may be made to the judge to compel him to do so.

Change of  
official  
agent.

Sec. 79 (1).

Sec. 80 (13).

## 3. AGENTS OTHER THAN THE OFFICIAL AGENT

### 232. The Importance of "Agency" at Elections.—It is

not only in relation to the financing of an election that a candidate requires protection from excess of zeal on the part of his friends. The law relating to elections creates a large number of election offences for which not only are penalties

"Agency"  
at elections.

<sup>1</sup> If notice of the appointment of an official agent is given otherwise than by endorsement on the formal nomination paper, it may be in the following form: "To Returning Officer, Electoral District of . I have appointed , whose address is , as my official agent for the purpose of the pending election in the above electoral district. (Signature) Candidate."

Sec. 79 (13).  
Sec. 91.  
Con. El.  
Act., sec. 54.

Who is an  
"agent."

provided by way of fine, imprisonment and disqualification, but the commission of which by a candidate, by an official agent, or by certain other persons may result in the setting aside of the election. Almost any election offence committed by or with the knowledge and consent of a successful candidate will have this consequence, and it will also usually<sup>1</sup> follow if the offence has been committed by any one else who may properly be described as an agent of the candidate according to the definition of the word "agent" which is deducible from a long series of election cases.

Sec. 91.  
Sec. 79 (13).  
Con. El. Act,  
sec. 54.

**233. Who Becomes a Candidate's "Agent."**—The definition of an agent is difficult to state at the same time briefly and comprehensively. Speaking very generally, it may be said that every person is an agent of the candidate who is authorized (by him, by his official agent, or by another person or body of persons upon whom he obviously or openly relies) to engage actively in the campaign to secure his election. Where the alleged agent's employment has been very definitely limited to a specified kind of activity or to a special area, the candidate's election will not be avoided by such an agent's acts of a different kind or done in some other area, but apart from such a special limitation on the authority of an agent, the election may be set aside by reason of conduct on an agent's part of which both the candidate and his official agent were wholly unaware, and which, if either of them had had an opportunity, he would undoubtedly have prevented. There are certain election offences which, to have the effect of avoiding an election, the candidate must be proved to have known of and consented to, and there are others the consequences of which he can escape by proof that they were trivial, that they were committed contrary to the order and without the sanction or connivance of either himself or his official agent, and that both he and his official agent took all reasonable means to prevent the commission of election offences generally. It is obviously unnecessary here to deal separately with the offences which fall into one category or another. For the present purpose it suffices to say that candidates and their official agents should exercise care themselves and see that their friends are careful not to appear to give authority for the activities of persons upon whose discretion and probity they cannot confidently rely. For example, an invitation or exhortation to assist in securing his return included by a candidate in a speech at a nominating convention has been held to be sufficient evidence of the general agency for him of each of the persons present; candidates are probably well advised to refrain from issuing any such general invitations.

#### 4. RELATIONS WITH ELECTION OFFICERS

Appeals to  
Chief  
Electoral  
Officer.  
Sec. 18.

**234. Relations With Election Officers.**—The first and the most important election officer with whom a candidate will come into contact is the returning officer, who is charged with the general conduct of the election. If any difficulty arises between him and the candidate the latter may appeal by wire or letter to the Chief Electoral Officer who will give such direc-

<sup>1</sup> See section 49 of the Dominion Controverted Elections Act, which appears to supersede or render unnecessary the provision made by section 91 of the Dominion Elections Act.

tions as the circumstances require. Difficulties with registrars or deputy returning officers should in the first instance, if time permits, be made the subject of complaint to the returning officer, but if satisfaction is not thus obtained, or if the matter is very urgent, a direct appeal to the Chief Electoral Officer may be made in these cases also. Revising officers act in a judicial capacity, and the general control of election officers exercisable by the Chief Electoral Officer does not extend to their performance of their judicial functions, although they are at liberty to ask his advice if they so desire. The rights of candidates in relation to the administration of the election by each of the several classes of election officers are dealt with in the subsequent paragraphs of this Part of these Instructions as well as in the other Parts dealing with the duties of these classes of officers respectively.

### 5. FORMS

**235. Obtaining Instructions and Forms.**—Immediately upon any candidate's publicly declaring himself as such, he may obtain gratis from the returning officer twenty-five copies of this book, and, on being formally nominated, he is also entitled to receive two copies of the urban and five copies of the rural lists of voters prepared for the last preceding Dominion election which will be corrected for use at the by-election in question. He should also obtain the other papers described in list of which appears at the end of this Part. These other papers include forms of nomination paper and of the return of election expenses and accompanying declarations which he and his official agent will require to complete after the election is over. The form of nomination paper is so drafted as to make it easy to complete properly and correctly. The form of return of expenses will indicate to the official agent the particulars of receipts and expenditures he will require to give and consequently the way in which his accounts should be kept.

Obtaining forms.

Forms 22, 49-52.

Sec. 80 (1).

### 6. NOMINATION

**236. Nomination.**—The nomination paper may be completed and handed to the returning officer at any time or place after the proclamation of the election has been made. When it is so, the witness or witnesses to the signatures of the nominators, who must be at least ten in number, and the witness to the signature of the candidate (if he is in the electoral district) should attend in order that they may make the necessary affidavits. No one but the returning officer himself has power to administer these oaths, and it is his duty to administer them on request. With the nomination paper there must be handed to the returning officer \$200 in gold, Dominion notes or the notes of any chartered bank, or a cheque for \$200 accepted by a chartered bank and payable to the Receiver General of Canada. Speaking generally, the sooner a candidate's nomination is made, the sooner he has a right to receive copies of the voters' lists, and for this reason there may be an advantage in early nomination, which imposes upon the candidate no obligation the law does not equally impose on every one whose candidature has been publicly announced. Since, however, the deposits made on nomination are returned only to candidates who are elected or who receive a number of votes at least equal to half the number

Nomination. Sec. 40 (5).

Sec. 40 (5, 8-10).

Sec. 40 (7).

Sec. 40 (9).

Sec. 2 (b).



Sec. 40 (12, 13). cast for the elected candidate (or to the personal representatives of candidates who die before polling day), a candidate who has been nominated early and retires before nominations close will lose his deposit, which would otherwise not have been made. Consequently, candidates who are uncertain whether or not they will go to the polls may prefer not to be put in nomination until nomination day, when, between noon and two o'clock, the returning officer attends specially to receive nominations at an advertised place only in order that no one who desires to make a nomination will be prevented from doing so by lack of opportunity. After 2 p.m. (standard time) on nomination day no further nominations can be received.

Description  
of candidate.  
Sec. 40 (5).

### 237. Particulars of Candidate in Nomination Paper.—

Sec. 50 (1).

Sec. 50 (1, 2)

Care should be exercised to see that the candidate's name and address are fully and correctly stated in the nomination paper. The returning officer possibly has a right to refuse a nomination paper which gives only the candidate's initials, so that, unless there is some reason to the contrary, all the candidate's names should appear in full. His occupation should be correctly given and also a sufficient post office address. On the ballot paper the candidate's name, occupation and address will be printed exactly as they appear in the nomination paper, and the return of the successful candidate will follow the same form. It is consequently of importance that in the nomination paper all the particulars should be correctly set out. In printing the ballot papers the names of the candidates will be arranged in alphabetical order according to the initial letters of their respective surnames, unless before three o'clock on nomination day an agreement is made to the contrary and notified to the returning officer.

## 7. LISTS OF VOTERS

Voters' lists.  
Form 21.

Sec. 64 (1).

**238. Urban and Rural Polling Divisions.**—The returning officer's proclamation will state which of the polling divisions in the district are urban and which are rural. The distinction is important, since the final lists in urban polling divisions are closed; no one whose name is not included in them can vote, and the candidate has therefore a considerable interest in seeing that they are correct and complete. The lists for rural polling divisions are in the nature rather of a guide to election officers and candidates. They are not closed and a qualified voter may vote, notwithstanding the omission of his name, by himself taking an oath and getting a fellow-resident of his polling division to vouch for his qualification. The accuracy of rural lists is consequently not of so high an importance, although it may be wise to take some interest in them.

Use of lists  
prepared for  
previous  
election.

**239.\* Lists of Voters.**—These Instructions deal only with the procedure followed at by-elections when section 33 of the Dominion Elections Act applies. At such by-elections fresh lists are not prepared, but those used at a preceding Dominion election

\* Throughout the present Election Instructions the paragraph numbers in the Election Instructions used at a general election have been retained as far as possible. Where any substantial change has been made in the present Instructions the paragraph number is followed by an asterisk as above. Paragraphs in the Election Instructions used at general elections which are not applicable to the by-elections now under consideration are omitted and the paragraph numbers in the present Election Instructions are consequently not consecutive.

held within two years are corrected and brought up to date. There is therefore no urban registration and no provincial lists are resorted to for any purpose. The previous Dominion lists for urban polling divisions are revised by the county or district judge or by some one selected by him, and those for rural polling divisions are corrected by rural registrars, one such registrar being appointed for each rural polling division. Two copies of the Dominion lists used at the preceding election (hereafter referred to as "preliminary lists") will be sent to the returning officer for delivery to each of three candidates, and, like the other papers referred to in List 7 at the end of this Part, may be obtained from the returning officer on application.

Sec. 32,  
Sch. A.R. 17.

Sec. 32,  
Sch. B.R. 4.

#### 241. Preparation for Revision of Preliminary Urban

**Lists.**—Voters whose names do not appear on the preliminary lists for urban polling divisions should be stimulated to attend at the sittings for revision. Their personal attendance will probably ordinarily be necessary, although it may be possible by other evidence than their own to satisfy the revising officer of their right to vote. On the other hand, steps may be taken to attack the qualification of any persons whose names appear on the preliminary lists. To each of such persons any one may cause to be sent by registered mail, to the persons address as stated in the list of voters or to his last known address, a notice that the sender will apply to the revising officer at a named hour on a named day to have the name struck off the list.<sup>1</sup> The burden of giving *prima facie* evidence of the disqualification of the person against whom the objection is made lies upon the objector, and such notices should consequently only be sent when the objector is in a position to give the necessary evidence.

Revision of  
urban lists.

Sec. 32, Sch.  
A.R. 17 (d).

**242. Sittings of the Revising Officer.**—The sittings of the revising officer always commence three weeks before polling day and continue daily for a week. Of the place at which the sittings will be held and the hours at which each will commence the revising officer gives notice by a poster of which copies are posted up, with copies of the preliminary lists, in the city or town hall, and in each polling division, at least four days before the first day of the sittings. The revising officer will have to deal with four classes of cases, of which two are referred to in the last preceding paragraph. The two other classes of cases are those in which the revising officer is asked to correct some mistake in a name, address or occupation as it appears on the list, and those in which qualified electors ask to have their names transferred from one polling division to another in the same electoral district. It will probably be advantageous for a candidate to arrange to have some one in attendance at the revising officer's sittings for the purpose of assisting his supporters in their applications, of interposing objections to applications which should not be granted, and perhaps also of keeping track of the additions to or

Sittings for  
revision.

Sec. 32,  
Sch. A.R. 15.

<sup>1</sup> No special form for the notice is prescribed, but the following will suffice: "I propose, on                      day, the                      day of                      , 19                      , at                      o'clock in the                      noon, to apply to the revising officer to strike your name off the list for polling division No.                      in                      . (Signature.)" The day and hour to be stated in the notice will be the day and hour of a sitting of the revising officer ascertained by reference to the notice of revision posted up and sent to candidates publicly in the field as mentioned in paragraph 240.

amendments of the preliminary lists as these are made. The extent to which such a representative will be permitted to intervene in the proceedings will, however, rest entirely in the revising officer's discretion.

Final lists  
and state-  
ments of  
changes.

Sec. 32,  
Sch. A,  
R. 18, 20.

**243. Statements of Changes and Final Lists.**—Immediately after the completion of the clerical work consequent on the revision, the revising officer will put in hand the preparation of printed or mimeographed copies of the lists as finally revised, and of these each nominated candidate will be entitled to receive twenty as soon as the printing is completed, which will be at least five days before polling day. In the meantime, if any candidates have been nominated<sup>1</sup>, the revising officer will prepare a statement of the changes he has made in, and the additions he has made to the preliminary lists and will send a copy of this statement to each nominated candidate.

Correcting  
rural lists.

Sec. 32,  
Sch. B.R. 3.

**246. Correction of Rural Lists.**—Each rural registrar posts in two conspicuous places in the polling division for which he is appointed a copy of the preliminary list with a notice stating where he will be found between two and six o'clock of each week-day afternoon between the thirteenth and ninth day before polling day, when representations as to any changes required in the preliminary list may be made to him. Such representations may be made at any time after the list and notice has been posted, the afternoons mentioned being specified only in order to ensure its being possible for every person interested readily to find the registrar. The representations must be made on oath, and any one who has the necessary knowledge may make them; the attendance of the voter concerned is not essential, but the information furnished must be such as to satisfy the registrar either that a person whose name is included in his preliminary list is not qualified or that a person whose name is not included has the necessary qualifications and is entitled to vote. After 6 p.m. on the ninth day before polling day, the registrar will conclude his correction of the list, finally certify it and prepare a clean copy of it, which he will send to the returning officer. At the same time the registrar will prepare a statement of any changes he has made in the preliminary list and of the additions he has made to it, and will send a copy of this statement to each candidate who has been nominated, or if a nominated candidate gives a written order to that effect, he will send it to the candidate's local representative.

## 8. PROCEEDINGS ON NOMINATION DAY

Nomination  
day.

**247. Proceedings on Nomination Day.**—On nomination day at the time and place of which the returning officer has given notice, it may be that no nominations will be made, all the candidates having been formally nominated earlier. Sometimes, on the other hand, all the candidates may be put in nomination during the advertised two hours. It may in any case be advisable for a candidate to attend or have some one attend on his behalf

<sup>1</sup> In those electoral districts specified in Schedule 3 of the Act, in which there is an interval of fourteen days between nomination and poll, nominations will close on the day following the last of the sittings for the revision of the lists, and in these electoral districts the statement of changes and additions will consequently always be despatched to candidates.



on this occasion. An opportunity may arise to raise an objection to an irregular nomination then made which, in the absence of objection, the returning officer might accept. If at two o'clock the number of candidates in nomination is no greater than the number of members to be elected, the returning officer will forthwith endorse his return upon the writ of election, and, although the statute allows him forty-eight hours for the purpose, will no doubt immediately furnish to the elected candidate or his representative a copy of the return he has made. If more candidates have been nominated than there are members to be elected and a poll is therefore to be held, the returning officer will, forthwith upon the close of nominations, furnish to each candidate nominated a list of all the candidates, containing the name, address and occupation of each.

Sec. 41.

Sec. 40 (14).

## 9. ARRANGEMENTS FOR THE POLL

**248. Polling Stations and Agents Thereat.**—Candidates will ordinarily have obtained from the returning officer early in the election a description of the boundaries of the polling divisions into which the electoral district has been divided. If there is to be a contest, the returning officer will, after nomination day, publish a notice describing these and stating where in each he will establish the polling station or polling stations, and of this notice he will send ten copies to each candidate. At each polling station each candidate is entitled to have two agents who should be appointed in writing. Though no particular form is prescribed, a supply of forms for the appointments of agents at the polls will be sent to returning officers for distribution to candidates who desire to use them. The form contains some instructions to agents at the polls which they may find useful, and also a warning against voting if they are paid. If it is not used, agents disqualified by the receipt of compensation for their services should be warned against voting, and each agent not so disqualified who is entitled to vote at some other polling station than that at which he is to act should be instructed to obtain a transfer certificate enabling him to vote at the polling station to which he is assigned. A candidate may act as his own agent at any poll or he may attend at any poll and assist the agent, if any, whom he has appointed therefor. If a candidate has not appointed an agent to represent him at any poll any two electors may undertake to represent him thereat.

Agents at the polls.

Form 25.

Sec. 44 (4).

Sec. 52.

Form 100.

Sec. 31 (1).

Sec. 53.

Sec. 54 (2).

Sec. 52 (1, 4).

**249. Deputy Returning Officers.**—Each candidate entitled, at least two days before polling day, to receive from the returning officer a list of all the deputy returning officers, with the name or number of the polling division for which each is to act, and, by noon on the day before polling day, a list of the polling divisions, with the name and address of the deputy returning officer and the poll clerk for each, is required to be posted up in the office of the returning officer, where it is open to public inspection at least until six o'clock on the evening before the poll.

List of D.R.O's.  
Sec. 45  
(4) (b).

Sec. 47.

## 10. ADVANCE POLLING STATIONS

Advance  
polling  
stations.  
Form 53.

Sec. 102 (1).

Sec. 102 (11).

Sec. 102 (17).

**250. Voters at Advance Polling Stations.**—If there are any advance polls in the electoral district the fact will appear from special notices which will be posted up in the locality for which the advance poll is to be established. Any of the candidates' supporters who are entitled to vote at an advance poll—that is, are railway employees, sailors or commercial travellers whose employment requires their absence from home from time to time—should, if they may be away on polling day, be stimulated to apply to the revising officer, or in rural areas to the rural registrar, by whom the lists upon which their names appear have been revised or prepared, and obtain from him certificates entitling them to vote at the advance poll. Such applications may be made at any reasonable time, but the notice of the opening of the advance poll will contain particulars of certain times and places at which the revising officer or rural registrar, as the case may be, will be available to issue certificates, so that no voter entitled to vote at an advance poll need be prevented from doing so by failure to obtain the requisite authority. A voter who has obtained a certificate may vote at any advance poll in the electoral district.

## 11. ELECTION OFFENCES

Election  
offences.

**251. Election Offences Generally.**—Nothing need be said here on the subject of those offences defined by the Dominion Elections Act which are of so obviously a criminal character that no person could commit them innocently or ignorantly, but there are certain acts not so obviously criminal which the law forbids, and to which it may therefore be convenient shortly to refer.

Interference  
with notices,  
etc.

Sec. 5.

**252. Interference With Election Notices, Voters' Lists, Etc.**—For the purpose of the conduct of an election it is necessary to post various proclamations and notices, and both urban and rural voters' lists require to be posted up in public places. Persons who tear down, deface or alter any of these incur a liability to a heavy fine and to imprisonment for a term not exceeding two years.

Printer's  
name on  
posters, etc.

Sec. 4.

**253. Information on Posters and Dodgers.**—In order that responsibility for them may be brought home to the persons by whom they have been printed and published, the statute requires that there should appear on every advertisement, poster, dodger, etc., issued in reference to the election, the name and address of the printer who prints it and of the person by whom it is published. An omission to comply with this provision renders both the printer and his customer liable to penalties. Candidates and their official agents are well advised if they see that it is complied with by those by whom the candidate is supported, and they should be careful to comply with it themselves, not only on account of the penalties attached to its breach but also to avoid risking the avoidance of the election.

Double  
registration.  
Sec. 32 (9).

**254. Double Registration.**—It is not only an offence to apply to have placed upon the voters' list the name of a fictitious or dead person, but it is also an offence for any person to try to

have himself placed on the list more than once in the same electoral district. Properly speaking, a voter's name should appear in the list for the polling division in which he is at the time resident, but if he knows that it has already been included in the list for some other polling division in the electoral district, he may vote at the polling station established for that polling division, and he incurs grave risk by making an application for registration in the polling division in the list for which his name should strictly appear. He may, however, if he lives in an urban polling division apply to the revising officer to transfer his name from one list to another.

**255. Supply of Flags, Badges, Etc.**—The supply or the use on or within eight days before election day of party flags, ribbons, labels or badges is illegal, and an election offence is committed not only by the person by whom the flag or badge is furnished, but also by every person by whom it is carried or worn.

Flags, badges, etc., prohibited.

Sec. 66 (3, 4).

**256. Influencing Voters.**—The prohibitions of the election law are not confined to such gross forms of corruption as the payment for votes, but expressly extend to the influencing of voters by any of a variety of corrupt methods, for example, by fear, fraud, violence, and even by such possible innocent acts as the supply of food or drinks, or by suggestions of benefit to follow from voting or refraining from voting. The line between innocent and corrupt conduct is often a very narrow one, and the decision as to upon which side a given act falls sometimes depends upon fine-drawn inferences from a number of facts. The statutory provisions on the subject are elaborate and perhaps involved, but a candidate who confines himself, and sees that his supporters confine themselves, to the administrative organization of the electoral district and the political education of the electors, has nothing to fear from the law on this head.

Corruption of electors.

Sec. 58 (3), 81, 82, 83.

**257. Disqualification of Persons Employed by Candidates.**—Every one employed by a candidate for pay or reward in relation to an election is disqualified from voting thereat, and it is a serious offence on the part of any such person to vote or to attempt to vote. The disqualification extends also to every one employed for pay or reward by any other person to promote the election of a candidate. Candidates and their official agents should therefore take effective steps to ensure the abstention from the polls of everyone who serves them otherwise than gratuitously. It is an offence to induce or procure any disqualified person to exercise his franchise.

Persons employed disqualified.

Sec. 31 (1).

Sec. 30 (2), 85.

Sec. 31 (1).

Sec. 30 (2).

**258. Carrying Arms.**—The carrying of arms or even of buldgeons on polling day within a mile of any polling station is prohibited, the only persons who are excepted from the prohibition being election officers and constables.

Arms.

Sec. 66 (1).

**259. Selling or Giving Intoxicants.**—Not only the selling but also the giving away of any spirituous or fermented liquor on polling day is an offence, if the sale or gift is made at any "hotel, tavern, shop or other place."

Intoxicants.

Sec. 66 (5).



Hire of  
vehicles.  
Sec. 11.

**260. Conveyance of Electors to the Polls.**—Electors may pay their own fares to go to vote, or may hire conveyances for their own carriage, but any one who pays an elector's fare, or who hires or lets a conveyance for the purpose of taking electors to or from the polls, is guilty of an election offence.

Secrecy of  
ballot.  
Secs. 51,  
61, 62.

**261. Preventing Voting and Violating its Secrecy.**—All attempts to interfere with the free exercise of their franchise by electors, and all breaches of the secrecy of the ballot are election offences, to which are attached greater or less penalties.

## 12. THE COUNT, DECLARATION AND RETURN

Counting  
the vote.  
Sec. 67 (1).

**262. Counting the Vote at Polling Stations.**—Every poll should be closed promptly at the hour fixed and the counting of the ballots cast thereat immediately proceeded with. The procedure to be followed is indicated in that part of these Instructions which deals with the duties of deputy returning officers, and all the classes of ballots which are invalid and should not be counted are there described. Agents of a candidate have a right to look at both the front and back of every ballot counted and to make objections, which must be recorded, to the acceptance of any ballots which appear to be irregular. When the count has been completed, the deputy returning officer must furnish to each agent, and send by mail to each candidate, a certificate of the result of the poll at his polling station. This information is public property, and it is from these statements, and from information obtained directly from the deputy returning officer or poll clerk that the press reports of elections are made up.

Final  
addition  
of votes.  
Form 21.

**263. Final Count of Votes.**—The final determination of the number of votes cast throughout the electoral district for each candidate is made by the returning officer at a time and place of which he has given notice in the earliest proclamation issued by him. Every candidate is entitled to be represented on this occasion, and this right is one which he should not fail to exercise. He or his representative may, if ballot boxes are missing, materially assist the returning officer in finally determining the vote by producing the certificates sent to him or furnished to his agents at the polls.

Declaration  
and return.  
Sec. 68 (3).

**264. Declaration of Election and Return to Writ.**—As soon as he has determined the result, the returning officer will make a written declaration of the election, and of this he will deliver a copy to each candidate who is present or represented on the final count and send a copy by registered mail to any candidate who is not. The date of this declaration is important; the time allowed for making an application for a recount runs from it, as do also the statutory times within which a number of things with relation to candidate's expenses must be done. If a recount is desired, it must be applied for within four days and to permit of an application being made, the returning officer retains the papers and makes no return to the writ until after the expiration of six days from the date of the declaration. If a recount is held, a new declaration of the election is made at its conclusion, and the date of this second declaration is substituted for that of the earlier one for all purposes other than

Sec. 73 (1).

Sec. 71 (12).

the recount itself. When the returning officer makes his return to the writ at the expiration of six days from the original declaration, or immediately after the declaration following the recount, he will furnish a copy of the return to each candidate. Sec. 73 (3).

**265. Return of Deposit.**—The deposit of the successful candidate, and the deposits of those unsuccessful candidates who have received a number of votes at least equal to half the number counted for the successful candidate, will be returned by the Auditor General after the returning officer has made his return to the writ and the Chief Electoral Officer has given to the Auditor General a certificate of the result of the poll. The return of the deposits will be made by cheque in favour of the candidate, and this will be despatched to him by mail as soon as the necessary formalities have been complied with. His cheque should generally reach him about a fortnight after the declaration of the election, unless the return has been delayed by a recount. Deposits. Sec. 40 (12).

**266. Complaints and Suggestions.**—If the candidate thinks that in the course of the election any election officer has failed to do his duty, or if, as the result of the experience gained during the campaign, he considers that the Dominion Election Act requires amendment, he has a right, through the Chief Electoral Officer, to report the delinquent election officer to Parliament and to make to it his suggestions for the amendment of the law. All he need do is to write the Chief Electoral Officer on the subject, referring to section 75 of the Act, and his letter will be included in the Chief Electoral Officer's next report to the Speaker of the House of Commons. This is a simple method whereby a defeated candidate may bring to the attention of Parliament and the public any injustice from which he may consider himself to have suffered and any proposal which may occur to him for the improvement of the election machinery. Complaints and suggestions. Sec. 75.

### 13. RETURN OF ELECTION EXPENSES

**267. Personal Expenses of Candidate.**—Whether the candidate has been elected or defeated, and even if he has not gone to the poll,<sup>1</sup> attention must, after the declaration of the election, be given to the making of a return of his election expenses. The first duty of the candidate himself is to certify to his official agent in writing the amount of his personal expenses which he has paid out of his own money and which, as already indicated, must not exceed \$500. If he has been obliged to incur personal expenses to a greater amount, all items beyond the first \$500 must be met by the official agent out of the election fund in his hands and a return made of the several items. The candidate may, of course, himself furnish his election agent with the money to pay them, but he may not himself pay them directly. Candidate's personal expenses. Sec. 79 (4, 15).

**268. Accounts and Their Payment.**—There is no legal liability upon the candidate to pay any account for anything done or supplied in relation to the election on credit, unless the contract has been made by either the candidate or his official Election accounts. Sec. 79 (6). Sec. 8.

<sup>1</sup> Every candidate who has been publicly in the field should make a return of election expenses, even if he has never been formally nominated or has made no election expenditures whatever. See secs. 2 (b), 79 (1), 80 (1).

- agent in person, or by some one else with the official agent's (but not the candidate's) written authority, and all persons by whom credit has been given for any sums payable in relation to the election must send in their accounts within one month from the date upon which the declaration of the election was made, either originally or after the recount, if one is held. The accounts must be sent to the official agent; they may be sent to the candidate only if the official agent is dead, and if they are sent to the candidate notwithstanding that the official agent is alive, they can be paid only after permission for their payment has been obtained from a judge. A like permission is necessary before payment can be made of any account not sent in within a month from the declaration of the election, unless the delay has been due to the death of the creditor, in which event the account may be paid without an application to a judge, provided that it is sent in by the executor or administrator within one month after the issue to him of letters probate or letters of administration. Moreover, any creditor who fails to send in his account to the official agent within time loses any legal right he may have previously had to recover the sum claimed. All accounts properly payable must be settled within fifty days after the declaration of the election, and the payment, after the expiration of this fifty days, even of an account received in time, constitutes an election offence, unless, as in the case of an account rendered too late, an application has to be made to the judge and an order obtained from him permitting it to be satisfied.
- Sec. 79 (7).
- Sec. 79 (8, 12).
- Sec. 79 (10).
- Sec. 79 (9).
- Sec. 79 (11).
- Sec. 79 (12).

Form of  
return.

Form 49.

Sec. 79 (7).

Sec. 79 (18).

Sec. 79 (14).

Sec. 79 (12).

Sec. 79 (14).

Sec. 80 (4).

Sec. 80 (11).

**269. Form of Return of Election Expenses.**—The completion of the return of election expenses can consequently be proceeded with by the official agent either as soon as he knows that all outstanding accounts have been paid, or immediately upon the expiration of one month from the date of the declaration of the election and the payment of all accounts rendered up to that time, whichever is the later. The form of return indicates the way in which the accounts are to be classified, and to the return vouchers must be attached for all payments of \$10 or more and for all sums, however small, expended in the first instance by any one other than the official agent, but under his written authority, and now repaid by the official agent. If the official agent has within time received accounts which for any reason he disputes, or if within the fifty days, by reason of lack of funds or otherwise, he has failed to pay any accounts rendered within time, he must refer separately to these in his return. In order that they may be paid a judge's order giving leave for the purpose must be obtained on the application of the claimant, the candidate or the official agent, or if the creditor brings action and recovers judgment, the judgment may lawfully be paid. A supplementary return must, however, be promptly made, if, after the handing in of the main return, leave is given by the judge to pay any account which was not received within time or to which, by error or otherwise, no reference was made in the return, or if payment is made of an account rendered by the executor or administrator of a creditor who has died within one month after the declaration of the election. It is probably advisable also that a supplementary return should be made of any payment under a judgment on a disputed account.



**270. Time for and Verification of Return.**—The return must be sent by the official agent to the returning officer within two months after the declaration of the election. Approximately ten days thus intervene between the expiry of the time limited for the payment of accounts and that allowed for the deposit of the return with the returning officer. Accompanying the return there must be a statutory declaration by the official agent verifying it, and a like declaration must, at least within the next seven days, be sent to the returning officer by the candidate, unless the latter is out of Canada, in which case his declaration verifying the return may be delayed until he comes back, but must be made within fourteen days after he does so. Supplementary returns, if any are required, are governed by the same rules as apply to the main return, but such a return covering a belated or omitted account must be made within a week after the approval of its payment by the judge. When judgment is given on a disputed account, a supplementary return, if one is made, should, for greater security, be put in within one week after judgment and a copy of the judge's order should be attached to it. For a supplementary return covering the account from the executor or administrator of a deceased creditor a month from its receipt is allowed.

Time for return.  
Sec. 80 (1).  
Sec. 80 (2).  
Form 50.  
Sec. 80 (3).  
Forms 51, 52.  
Sec. 80 (10).  
Sec. 80 (4).  
Sec. 80 (11).  
Sec. 80 (4).

**271. Importance of Complete and Prompt Return.**—Default in complying with the provisions as to the making of returns of election expenses is an offense for which any candidate and his election agent may be heavily punished, and such default may cost the successful candidate his seat, as well as subjecting him to a very heavy penalty if he takes his seat before the return is made. To a successful candidate there is, moreover, an advantage in causing his return to be made even before the expiration of the time limited by law, since, speaking generally, the earlier it is properly made, the earlier the time for filing an election petition expires. A successful candidate has therefore acted wisely if he has so conducted his election on the financial side that he can have the return and accompanying declarations in the hands of the returning officer within a week of the declaration of the election.

Default in return.  
Sec. 80 (8).  
Sec. 80 (7).  
Con. El. Act. sec. 12.

**272. Publication and Inspection of Return.**—When the returning officer receives the return it is his duty to publish a summary of it in a local newspaper. This summary must be signed by the official agent and the expense of its publication must be met by the candidate. The returning officer is required to retain the return with its accompanying vouchers and declarations for six months, during which he must, on payment of a fee of twenty cents, permit them to be inspected by any one who desires to see them and must allow extracts to be taken. At the expiration of the six months he is required to hand them back to the candidate if the latter so desires; otherwise he may destroy them.

Publication and inspection of return.  
Sec. 80 (5).  
Sec. 80 (6).

**273. Relief Against Defaults and Errors.**—If for any reason default is made in the delivery of the return to the returning officer, or if, after it has been made, it is discovered to contain some error or mis-statement, an application for relief from the

Relief after default.  
Sec. 80 (12-15).

penalties attached to the default or to the inaccuracy of the return should immediately be made to the judge on proper affidavits stating the reasons for the default or the excuses for the error or mis-statement. The grounds upon which such an application may be granted, and the procedure to be followed thereon are set out in the statute with considerable fullness, and should be considered with care if an application becomes necessary.

LIST 7

FORMS, ETC., FOR CANDIDATES AND OFFICIAL AGENTS

Code Word	Form or Book No.	Description	Number for each Candidate	Referred to in Instructions para.
Abecedary....	A	Election Instructions (Complete).....	25	1, 2, 3, 224, 235
Gastric.....	22, 23	Nomination papers.....	5	35, 36, 235
Genius.....	49	Return of candidate's expense.....	5	{ 40, 66, 226, 235, 269 270
Girder.....	50	Declaration of official agent as to expenses.....	3	
Glorious.....	51-52	Declaration by candidate as to expenses	3	
Gondolier....	100	Appointment of agent at poll.....	2 for each polling station.	248
		List of voters.....	2-5	235

## DIARY FOR CANDIDATES AND OFFICIAL AGENTS

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# DOMINION ELECTIONS ACT

*(Revised Statutes of Canada 1927, c. 53)*

## An Act respecting the Election of Members of the House of Commons and the Electoral Franchise

### SHORT TITLE

1. This Act may be cited as the Dominion Elections Act, Short title. 1920, c. 46, s. 1.

### INTERPRETATION

2. In this Act, unless the context otherwise requires the expres- Definitions.  
sion

- (a) "advance poll" means a poll held as by section one hundred and two of this Act provided; "Advance poll."
- (b) "candidate" or "candidate at an election" includes any person elected to serve in the House of Commons of Canada at an election, or who is nominated as a candidate at an election, or who, after the day of the issue of the writ for an election or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, is declared by himself or by others to be a candidate; "Candidate."
- (c) "Dominion election" or "election" means an election of a member or members to serve in the House of Commons of Canada; "Dominion election."  
"Election."
- (d) "during an election" or "at an election" or "throughout an election" includes the period after the issue of the writ for an election, or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, until the elected candidate is returned as elected; "During an election."  
"At an election."  
"Throughout an election."
- (e) "election officer" includes the Chief Electoral Officer, the Assistant Chief Electoral Officer and every returning officer, registrar, election clerk, deputy returning officer, poll clerk, or other person having any duty to perform pursuant to this Act to the faithful performance of which duty he may be sworn; "Election officer."
- (f) "election papers" mean all ballot papers including those unused, poll books, lists of voters and other statements used at a polling station, and all other documents sent by any returning officer to the Chief Electoral Officer in compliance with this Act or any instructions issued by the said Chief Electoral Officer or his Assistant; "Election papers."

- "Election petition."  
 "Elector."  
 "Electoral district."  
 "Form."  
 "Hours of the day."  
 "Judge."  
 "List of voters."  
 "Voters' list."  
 "Member."  
 "Nomination day."  
 "Official agent."  
 "Oath."  
 "Official stamp."  
 "Person."  
 "Personal expenses."  
 "Polling day."  
 "Polling division."  
 "Printing."  
 "Province."  
 "Urban polling division."
- (g) "election petition" means a petition presented in pursuance of the Dominion Controverted Elections Act;  
 (h) "elector" means any person qualified to vote at a Dominion election, whether his name is or is not on any list of voters;  
 (i) "electoral district" means any place or territorial area entitled to return a member or members to serve in the House of Commons of Canada;  
 (j) "form" means a form as in Schedule One to this Act;  
 (k) "hours of the day" when mentioned in this Act shall be calculated upon standard time;  
 (l) "judge" includes chief justice;  
 (m) "list of voters" or "voters' list" means any list of electors prepared as required by this Act, and when provincial lists are referred to includes any official list of persons entitled to vote at a provincial election;  
 (n) "member" means a member of the House of Commons of Canada;  
 (o) "nomination day" or "day of nomination" means the day fixed by the Governor General for the nomination of a candidate or candidates;  
 (p) "official agent" means the agent appointed by a candidate and specially charged with the paying of all legal expenses on account of the management or conduct of the election, whose name and address have been declared in writing on or before nomination day as by this Act required;  
 (q) "oath" includes affirmation and statutory declaration;  
 (r) "official stamp" means the stamp supplied by the Chief Electoral Officer to the returning officer for the purposes of an election;  
 (s) "person" includes elector, voter and candidate;  
 (t) "personal expenses" as used herein with respect to the expenditure of any candidate in relation to the election at which he is a candidate, includes the reasonable travelling expenses of such candidate and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election, and all other expenses which, except as restrained by this Act, he may in person lawfully incur and pay;  
 (u) "polling day" or "day of polling" means the day fixed as provided by section forty of this Act for holding the poll;  
 (v) "polling division" means any division, subdivision, district, subdistrict or other territorial area within which a poll may be held;  
 (w) "printing" when used in relation to the reproduction of voters' lists, includes mimeographing, multigraphing, or any other mode of reproduction in which successive copies are produced from a matrix of any kind, so that each successive copy, up to the whole number required, is identical with every preceding and following copy;  
 (x) "province" includes the Yukon Territory;  
 (y) "urban polling division" means a polling division which is wholly contained within a place having a population of more than five thousand persons and being, under the pro-



vincial laws, a city, town or incorporated village, or within any other area directed by the Chief Electoral Officer to be treated as urban;

- (z) "rural polling division" means a polling division whereof no part is contained within a place having a population of more than five thousand persons and which place under the provincial law is a city, town, or incorporated village;
- (aa) "voter" means any elector whose name appears on any list of voters prepared or added to as directed by this Act, and includes any person who, whether or not a voter as defined, applies to vote or has voted at an election;
- (bb) "writ" means writ for an election. 1920, c. 46, s. 2; 1921, c. 29, s. 1; 1925, c. 42, ss. 1 and 2.

#### MISCELLANEOUS PROVISIONS

##### *Notices*

3. When any election officer is by this Act authorized or required to give a public notice and no special mode of notification is indicated the notice may be by advertisement, placard, handbill or otherwise as he considers will best effect the intended purpose. 1920, c. 46, s. 4.

##### *Identification of Printing and Publishing of Election Advertising*

4. Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear upon its face the name and address of its printer and publisher, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears upon its face such name and address is guilty of an offence against this Act punishable on summary conviction as in this Act provided, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice. 1920, c. 46, s. 5.

##### *Interference with Election Documents*

5. Any person unlawfully taking down, covering up, mutilating, defacing, or altering any printed or written proclamation, notice, list of voters or other document, authorized or required by this Act to be posted up, is guilty of an indictable offence against this Act and liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution, or to imprisonment for a term not exceeding two years with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith (in case only a fine and costs are imposed) or are not paid before the expiration of the term of imprisonment imposed (in case imprisonment as well as fine and costs is imposed), to imprisonment, with or without hard labour, for such term, or further term, as such fine and costs or either of them remain unpaid, not exceeding three months.

2. A copy of the immediately preceding subsection shall be printed as a notice in large type upon every such printed document, or printed or written upon every such written document, or printed or written as a separate notice and posted up near to such document and so that such notice can be easily read. 1920, c. 46, s. 6.

*Oaths and Affirmations*

Oaths, how  
adminis-  
tered.

6. The returning officer at any election may administer any oath or affirmation which is by this Act authorized or directed to be made with respect to such election; the election clerk, deputy officer or poll clerk may administer any such oath or affirmation except one which is expressly required to be administered by the returning officer, and where by this Act any oath, affirmation, affidavit or statutory declaration is authorized or directed to be made, taken or administered, the oath or affirmation, including that to an affidavit or statutory declaration, may be administered either by the person, if any, by this Act expressly required to administer it, or by a judge of any court, a notary public, a justice of the peace, stipendiary magistrate, police magistrate, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath or affirmation is administered.

Gratuitous  
adminis-  
tration.

2. All such oaths and affirmations shall be administered gratuitously. 1920, c. 46, s. 7; 1921, c. 29, s. 2.

*Compelling or Inducing False Oaths*

Penalty for  
inducing  
persons to  
make false  
oath.

7. Every person who, knowingly, in any case wherein an oath is by this Act authorized or directed to be taken, compels or attempts to compel, or induces or attempts to induce, any other person to take such oath falsely, is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. 1920, c. 46, s. 8.

*Executory Contracts Void*

Executory  
contracts  
void.

8. Every executory contract, promise or undertaking, in any way referring to, arising out of or depending upon any election under this Act, even for the payment of lawful expenses or the doing of some lawful act, shall be void in law. 1920, c. 46, s. 9.

*Contributions for Political Purposes*

Companies  
not to  
contribute  
for election  
purposes.

9. No unincorporated company or association and no incorporated company or association other than one incorporated for political purposes alone shall, directly or indirectly, contribute, loan, advance, pay, or promise or offer to pay any money or its equivalent to, or for, or in aid of, any candidate at an election, or to, or for, or in aid of, any political party, committee, or association, or to or for, or in aid of, any company incorporated for political purposes, or to, or for, or in furtherance of, any political purpose whatever, or for the indemnification or reimbursement of any person for moneys so used.

Officers  
liable to  
punishment  
for  
violation  
of section.

2. Every director, shareholder, officer, attorney, or agent of any company or association violating the provisions of this section, or who aids, abets, advises, or takes part in any such violation, and every person who asks or knowingly receives any money as its equivalent in violation of the provisions of this section, is guilty of an indictable offence against this Act punishable as in this Act provided. 1920, c. 46, s. 10.

*Foreign Canvassers*

Non-  
residents  
of Canada,  
except

10. Any person, not being an elector or a candidate, who resides without Canada and who, to secure the election of any candidate, canvasses for votes or in any way endeavours to

induce voters to vote for any candidate at an election, or to refrain from voting, is guilty of an indictable offence against this Act punishable as in this Act provided. 1920, c. 46, s. 11.

electors or candidates, forbidden to canvass.

### *Conveyance of Electors to the Polls*

11. Every person who before, during or after an election directly or indirectly or by any means or device in attempted evasion of the following provisions,

Conveyance of electors to polls, etc., for hire forbidden.

(a) hires or in whole or in part, pays for, or promises to pay for, or solicits the hire or use for payment of any horse, team, carriage, cab, cart, wagon, automobile, sleigh, aeroplane, boat, vessel, or other means of conveyance; or

(b) lets to hire or demands, receives, or promises to accept payment for the hire or use of any such means of conveyance;

for the purpose of conveying or providing for the conveyance of any elector or electors who may intend to vote to or from the poll or any polling station, or to or from the neighbourhood thereof, is guilty of an illegal practice, and of an offence against this Act punishable on summary conviction as in this Act provided; but the *bona fide* payment by the elector himself of the usual fare or a reasonable charge for his conveyance to or from the poll or polling station shall not be deemed a contravention of this section. 1920, c. 46, s. 12.

### *Illegal Payments to Electors*

12. Every person who before, during or after an election, directly or indirectly or by any means or device in attempted evasion of the following provisions,

Payment of fare by elector.

(a) pays or promises to pay in whole or in part the travelling or other expenses of any elector who may intend to vote, in going to or returning from the poll or any polling station, or going to or returning from the neighbourhood thereof; or

(b) pays or promises to pay or receives or promises to accept payment, in whole or in part by reason of time spent, or for wages or other earnings or possibility thereof lost, by any elector who may intend to vote, in going to, being at or returning from the poll or any polling station, or going to, being at or returning from the neighbourhood thereof;

Payment of expenses, wages, etc., of electors forbidden.

is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. 1920, c. 46, s. 13.

### *False Statements as to Character of a Candidate*

13. Any person who, before or during any election, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. 1920, c. 46, s. 14.

Penalty for publishing false statements to affect return of any candidate.



*Time to Employees for Voting*

Employers  
to give  
employees  
an hour  
for voting.

14. Every employer shall, on polling day, allow to every elector in his employ at least two additional hours other than the noon hour, for voting, and no employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such hours.

Exception.

2. This section shall extend to railway companies and to the Government Railways and their employees, excepting such employees as are actually engaged in the running of trains and to whom such time cannot be allowed without interfering with the manning of the trains. 1920, c. 46, s. 15.

*Communication by Telegraph*

Communi-  
cations by  
telegraph.

15. Whenever it appears to the satisfaction of the Chief Electoral Officer, at a time when an election is about to be held, that necessary communication for the purposes of the election with or within any electoral district will probably be interrupted during such election by the severity of the season, he may direct that the writ of election and all necessary instructions, information, forms, proclamations, notices, commissions, reports, and returns (other than the return of the returning officer as to the result of the election) be transmitted to or within the electoral district to or by the returning officer, deputy returning officers, registrars and other election officers, by telegraph.

Order as to  
details.

2. The Chief Electoral Officer may make such order as to the details of the proceedings at or relating to such election, to be so transmitted by telegraphic communication as to him seems proper for best attaining the purpose of this section.

Telegrams  
repeated.

3. Every telegraphic communication referred to in this section shall be repeated by the person receiving the message to the person transmitting the same, in order to insure the correctness of the message received. 1920, c. 46, s. 16.

*Noncompliance*

Noncompli-  
ance with  
Act not to  
invalidate  
election  
unless  
it affected  
result.

16. No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to limitations of time unless it appears to the tribunal having cognizance of the question that such noncompliance may have affected the result of the election, or as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the persons signing any nomination paper, or because of any error in the name, or omission of or error in the residence, addition or description of any candidate as stated on such nomination paper as received by a returning officer, or of any insufficiency in any publication of any proclamation, notice or other document, or any mistake in the use of the forms contained in this Act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such noncompliance did not affect the result of the election. 1920, c. 46, s. 17.

*Abolition of the Office of Clerk of the Crown in Chancery*

17. The offices of Clerk of the Crown in Chancery and Deputy Clerk of the Crown in Chancery are hereby abolished and the powers and duties exercisable and performable by the Clerk of the Crown in Chancery may and shall be exercised and performed henceforth as respects those appertaining to or connected with

Office of Clerk of Crown in Chancery abolished.

- (a) the Senate, except with relation to the commissions of persons called to Parliament as members of the Senate, by the Clerk of the Senate;
- (b) the House of Commons, except with relation to elections, by the Clerk of the House;
- (c) commissions of persons called to Parliament as members of the Senate, by the Secretary of State for Canada;
- (d) proclamations, except with relation to elections, by the Secretary of State for Canada; and
- (e) elections, by a Chief Electoral Officer with powers and duties as in this Act defined.

2. Wherever in any statute of Canada the words "Clerk of the Crown in Chancery" appear there shall be read in their stead such other appropriate words, having relation to and being consistent with the terms of this section, as will give effect to the purposes of such statute. 1920, c. 46, s. 18.

Construction of statutes.

*Chief Electoral Officer*

18. The Chief Electoral Officer shall be appointed by resolution of the House of Commons, shall be paid a salary of six thousand dollars per annum, and shall hold office on the same tenure, shall be removable only for cause and in the same manner, as a Judge of the Supreme Court of Canada.

Appointment and salary of Chief Electoral Officer.

2. He shall rank as a deputy head of a department, shall communicate with the Governor General through the Secretary of State of Canada, and in addition to the exercise of the powers and the performance of the duties with respect to elections formerly exercised and performed by the Clerk of the Crown in Chancery, he shall and may,

- (a) throughout every election properly direct all returning officers and, in case of incompetency or neglect of duty on the part of any of them, recommend his removal and the appointment of another in his stead;
- (b) exercise general direction and supervision over the administrative conduct of elections with a view to ensuring the fairness and impartiality of all election officers and compliance with the provisions of this Act;
- (c) report to the House of Commons, through the Speaker, after an election, any matters arising in the course of the election an account of which ought, in his judgment, to be submitted to the House of Commons.

Duties and powers.

3. The Chief Electoral Officer shall devote himself exclusively to the performance of his duties in the public service.

Travelling  
and living  
expenses.

4. The Chief Electoral Officer shall be paid his reasonable travelling and living expenses while absent from Ottawa on the business of his office.

Payment.

5. Any sums payable to the Chief Electoral Officer shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Appoint-  
ment of  
substitute.

6. In the event of the death of the Chief Electoral Officer while Parliament is not sitting, or of his inability or neglect to perform the duties of his office, a substitute shall, upon the application of the Secretary of State, be appointed by the Chief Justice of Canada, or in his absence by the senior judge of the Supreme Court of Canada then present in Ottawa.

7. Upon his appointment such substitute shall exercise the powers and perform the duties of the Chief Electoral Officer in his place and stead until fifteen days after the commencement of the next following session of Parliament unless the Chief Justice of Canada, or the judge by whom the order appointing him was made, sooner directs that such order be rescinded.

8. In the absence of both the Chief Justice of Canada and of the judge of the Supreme Court of Canada by whom a substitute for the Chief Electoral Officer has been appointed the order appointing such substitute may be rescinded by any other judge of the said court.

Remunera-  
tion of  
substitute.

9. The remuneration of a substitute Chief Electoral Officer may be fixed by the Governor in Council and shall be part of the general expenses of the election or elections, if any, held during his tenure of office. 1920, c. 46, s. 19; 1927, c. 53, ss. 1 and 2.

#### *Assistant Chief Electoral Officer*

Staff.

19. Excepting the Chief Electoral Officer and one assistant, to be known as Assistant Chief Electoral Officer, and two stenographers, all of whom shall be appointed by the Governor in Council, there shall be no permanent officers or employees appointed or paid to perform any duties in connection with elections.

Temporary  
assistance.

2. The Chief Electoral Officer shall from time to time select and appoint such temporary help as he may require for the proper performance of the duties of his office, first, however, submitting to the Auditor General the name and proposed salary payable to the temporary appointee and obtaining a certificate that such salary is reasonable and that funds are lawfully available for the payment thereof.

3. All such appointees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged.

Chief  
Clerk.

4. The Assistant Chief Electoral Officer shall rank in the classification of the Civil Service of Canada as a chief clerk. 1920, c. 46, s. 20.

#### *Writs of Election*

Date and  
form of  
writs.

20. The writs for an election shall be in Form No. 1 and be dated and returnable on such days as the Governor in Council determines. 1920, c. 46, s. 21.



*Returning Officer*

**21.** From time to time, as required, the Governor in Council upon the recommendation of the Secretary of State shall for every electoral district in Canada appoint a person, described either by name or by his title of office, who shall be returning officer for such electoral district. Appointment of returning officers.

2. Every person so appointed shall hold office during pleasure and notice of his appointment shall be given immediately in the *Canada Gazette*. 1925, c. 42, s. 3.

**22.** The returning officer shall, forthwith upon his appointment, nominate in writing an election clerk, who shall be a qualified voter in the electoral district, and he and the election clerk shall each make oath faithfully to perform his duties without partiality, fear, favour or affection; and such appointment and oaths may be in Forms No. 3, 2 and 4, respectively. Election clerks.

2. If the election clerk dies, becomes disqualified or incapable of acting, or refuses to act, the returning officer shall at once appoint a substitute, who upon his appointment shall make oath as aforesaid. Appointment of substitute.

3. The oath of the returning officer and the appointment and oath of every election clerk shall be transmitted by the returning officer to the Chief Electoral Officer forthwith after their completion, and no fresh oath by either shall be required upon his re-appointment. 1925, c. 42, s. 3. Transmission of oaths.

**23.** Subject as aforesaid, every election clerk shall hold office during the pleasure of the returning officer by whom he has been selected and, after the death of such returning officer, or the expiry of his term of office, until a new returning officer is appointed. 1925, c. 42, s. 3. Tenure of office of election clerks.

**24.** Every writ of election shall be directed to the person appointed to be returning officer for the electoral district, and the Chief Electoral Officer shall transmit such writ to him by registered mail or otherwise. How writs to be directed.

2. Every returning officer to whom a writ is addressed shall forthwith upon its receipt, cause to be promptly taken such of the proceedings directed by this Act as are necessary in order that the election may be regularly held, and any returning officer who wilfully neglects so to do shall be liable on summary conviction to a fine of one thousand dollars, or to imprisonment for three months, or to both fine and imprisonment. 1925, c. 42, s. 3. Returning officers to act under penalty.

*Deputy Returning Officers*

**25.** Every returning officer shall, by writing in Form No. 7 executed under his hand, appoint one deputy returning officer for each polling division in the electoral district, and every deputy returning officer shall before acting as such take the oath in Form No. 8. 1920, c. 46, s. 25. Deputy returning officers.

*Poll Clerks*

**26.** Each deputy returning officer shall forthwith appoint by writing under his hand, in Form No. 9, a poll clerk, who, before acting as such shall take the oath in Form No. 10. 1920, c. 46, s. 26. Poll clerks.

*Liability of Election Officers*

Misfeasance  
and mal-  
feasance.

27. Every election officer who is guilty of any wilful misfeasance or any wilful act or omission in violation of this Act shall forfeit to any person thereby aggrieved a sum not exceeding five hundred dollars in addition to the amount of all actual damages to such person thereby occasioned.

Penalty.

2. Every election officer who refuses or neglects to perform any of the obligations or formalities required of him by this Act shall, for each refusal or neglect, forfeit the sum of two hundred dollars to any person who sues therefor. 1920, c. 46, s. 27.

*Polling Divisions*

Subdivision  
of electoral  
district  
into  
polling  
divisions.

28. As soon as possible after the receipt of the writ of election the returning officer shall divide his electoral district into as many polling divisions as, having regard to the probable number of electors within a division, he deems convenient, or as the Chief Electoral Officer may direct, number or otherwise designate each polling division and fix upon a suitable polling station therein.

Returning  
Officer may  
demand  
certified  
copies of  
documents.

2. Unless there are good and substantial reasons to the contrary, of which he shall make a record in his return, the returning officer shall adopt any or all of the polling divisions or subdivisions established under the laws of the province for provincial or municipal elections, and to this end he shall be entitled to demand and to obtain from the legal custodians of any by-laws, orders, proclamations or other documents or proceedings defining provincial or municipal polling divisions, or who are legal custodians of duly certified duplicates or copies thereof, such certified copies of the said by-laws, orders, proclamations or other documents or proceedings, whether originals or copies, as he deems necessary for the performance of his duties.

Fees.

3. The legal custodian from whom any such document is so obtained shall be paid therefor the same fees, if any, as are payable in the case of such documents being obtained by a returning officer for the purposes of a provincial election, and, if such legal custodian refuses or omits for an unreasonable time after demand made to deliver any such documents so demanded, he is guilty of an indictable offence against this Act, punishable as in this Act provided. 1920, c. 46, s. 28.

Penalty.

*Qualification of Electors*

Electors,  
qualifica-  
tions for.

29. Save as in this Act otherwise provided, every person, male or female, shall be qualified to vote at the election of a member, who, not being an Indian ordinarily resident on an Indian reservation,

(a) is a British subject by birth or naturalization; and

(b) is of the full age of twenty-one years; and

(c) has ordinarily resided in Canada for at least twelve months and in the electoral district wherein such person seeks to vote for at least two months immediately preceding the issue of the writ of election;

(d) provided, however, that any Indian who has served in the naval, military or air forces of Canada in the war de-

clared by His Majesty on the fourth day of August, one thousand nine hundred and fourteen, against the Empire of Germany and subsequently, against other powers, shall be qualified to vote, unless such Indian is otherwise disqualified under paragraphs (a), (b) and (c) of this section.

2. At a general election, any person who would have been qualified to vote in an electoral district if he had continued to reside therein shall remain so qualified to vote in such electoral district notwithstanding that he has, within the two months immediately preceding the date of the issue of the writ, changed his place of residence from such electoral district to another.

Change of elector's residence before general elections not ground for disqualification

3. If the name of any voter is on the voters' list of the district in which he previously resided and conditions prevent him from having his name placed on the voters' list in the district wherein he is resident at the time of polling, he may cast his vote in the constituency where his name is inscribed on the voters' list. 1920, c. 46, s. 29; 1922, c. 20, s. 1.

He may vote where his name is on list.

### *Disqualification of Electors*

30. The respective persons hereunder mentioned shall for the time specified as to each such person be disqualified and incompetent to vote at an election:—

Electors, disqualifications.

(a) The judges of every court whose appointment rests with the Governor in Council—during their tenure of office;

Judges.

(b) The Chief Electoral Officer—during his tenure of office;

Chief Electoral Officer.

(c) Persons disfranchised for corrupt or illegal practices under this Act—during the period of their disfranchisement;

Persons disfranchised.

(d) Persons disfranchised under the Disfranchising Act—during the period of their disfranchisement;

Disfranchised voters.

(e) Persons who, at an election, have committed any corrupt or illegal practice—for the whole period of the election at which they have so offended;

For corrupt practice at election.

(f) Persons who, at the time of an election, are prisoners undergoing punishment for criminal offences, or are patients in lunatic asylums, or are maintained in whole or in part as inmates receiving public charitable support or care in municipal poor houses or houses of industry, or are inmates receiving public charitable support, other than for war services, in any institution receiving aid from the Government of a province under any statute in that behalf—for the whole period of such election.

Prisoners or patients in asylum or persons supported by charity.

(g) Persons who by the laws of any province in Canada, are disqualified from voting for a member of the Legislative Assembly of such province in respect of race, shall not be qualified to vote in such province under the provisions of this Act: Provided, however, that the provisions of this paragraph shall not disqualify or render incompetent to vote any person who has served in the naval, military or air forces of Canada in the war declared by His Majesty on the fourth day of August, one thousand nine hundred and fourteen, against the Empire of Germany, and, subsequently,

Persons disqualified in respect of race.

Exception.



Naval  
military  
or air  
force.

against other powers, and who produces a discharge from such naval, military or air force to the registrar upon the making of the voters' lists and to the deputy returning officer at the time of polling.

Penalties  
for  
violation.

2. Any person who votes, or induces or procures any other person to vote, at an election, knowing that he, or such other person, is for any reason disqualified, non-qualified or incompetent to vote at such election, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

3. Upon the trial of any person accused of violating this section, when it is proved that the person in respect of whose vote the prosecution is had, voted at such election, the burden of proving that such person was qualified to vote, or, if such person was disqualified, non-qualified or incompetent to vote, that the accused did not know thereof, shall be upon the accused. 1920, c. 46, s. 30; 1925, c. 42, s. 34.

Persons in  
receipt of  
pay dis-  
qualified.

**31.** Subject to the exceptions hereinafter contained, every person employed by any person for pay or reward in reference to an election in any electoral district shall be disqualified from voting and incompetent to vote in such electoral district at such election.

Exceptions.

2. This section shall not extend to disqualify or render incompetent to vote the following persons, provided that such persons are otherwise qualified to vote and not disqualified from voting, namely:—

- (a) The returning officer in case of there being an equality of votes on the final addition of the votes or on a recount as hereinafter provided;
- (b) Any person employed under the authority of this Act as registrar, revising officer, deputy returning officer, poll clerk, messenger, interpreter or constable;
- (c) Any person, except the election clerk necessarily and properly employed by the returning officer for the conduct of the election;
- (d) Any person employed as clerk to a revising officer;
- (e) Any person necessarily and properly employed by a registrar or revising officer in preparing copies of lists of voters authorized by this Act to be prepared;
- (f) Any person necessarily employed by any election officer for his conveyance while travelling on duties relating to the election. 1921, c. 29, s. 4.

#### PREPARATION OF LISTS OF VOTERS

Use of  
provincial  
voters' lists.

**32.** Subject as hereinafter provided, the voters' lists in urban polling divisions shall be prepared and completed under the rules set forth in Schedule A to this section, and in rural polling divisions under the rules set forth in Schedule B hereto: Provided that if at the date of the issue of the writ of election any provincial or municipal officer has in his possession a list of voters for any part of the electoral district, which list has been prepared under the laws of the province and would be used

with or without revision at a provincial election commenced at the same time as the election under this Act, and such provincial or municipal officer can, within such time after demand as to permit the use thereof under this Act, supply such one or more copies of such list as may be required, the returning officer shall obtain such copy or copies and the same shall, in that part of the electoral district to which the list refers, be used for the purpose of the election under this Act, subject to the following provisions:—

- (a) Every urban registrar shall transfer from such provincial lists to the preliminary list prepared by him for the appropriate polling division in his registration district, regard being had to the addresses given in the provincial list, the names, with the addresses and descriptions, if any, of the persons whose names appear upon such provincial lists, unless such persons, being qualified to vote under this Act and being resident in some one of the polling divisions in his registration district, have, on application made to him under the said rules, been registered as therein provided, and shall add to the said preliminary list for each of the polling divisions in his registration district the names, addresses and descriptions of all other persons by whom or on whose behalf applications for registration are made as aforesaid, and who are qualified to vote under this Act and resident in such polling divisions respectively. In urban polling divisions.
- (b) Every rural registrar shall transfer to the preliminary list prepared by him under the rules set forth in Schedule B, the names, with the addresses and descriptions, if any, of such persons as appear on such provincial lists and are qualified to vote under this Act and resident in the polling division for which he has been appointed and shall add to such preliminary list the names, addresses and descriptions of all other persons qualified and resident as aforesaid, although such names do not appear upon such provincial lists. In rural polling divisions.
2. If, under the laws of the province, such provincial lists as are described in the proviso to subsection one of this section are required to be printed or otherwise reproduced before any use of them for the purpose of a provincial election would be made, such lists may be so printed or otherwise reproduced as a preliminary to their use under this Act, and the expense of such printing or reproduction shall be payable as part of the expenses of any election held hereunder. Printing provincial list.
3. The legal custodian of any provincial voters' lists shall deliver certified copies thereof, or any part thereof, as last revised and corrected, to any person applying therefor for the purposes of this Act, on payment of a fee not exceeding that, if any, allowed by the provincial law in the like case. Certified copies of voters' lists to be furnished by custodian upon payment of fees.
4. If any such legal custodian refuses, or omits for an unreasonable time after application made, to so deliver he is guilty of an indictable offence against this Act punishable as in this Act provided. Penalty.
5. If any question arises as to whether any list, or which of two or more lists, prepared under the laws of a province, should Chief Electoral Officer to

decide on  
list to be  
used.

If pro-  
vincial and  
Dominion  
divisions do  
not conform  
voters  
names  
transferred.

Power to  
decide  
status and  
population  
of place.

Date, etc.,  
when  
revising  
officers, etc.,  
sit to be  
advertised.

Penalty for  
applying to  
be  
registered,  
etc., as  
voter in  
name of  
dead, etc.  
voter, or to  
be registered  
etc., twice.

Penalty  
for falsely  
answering  
interroga-  
tories  
necessary to  
entitle  
person to  
be registered  
as voter.

Penalty for  
Registrar,  
etc.,  
falsely  
signing, etc.,  
statutory  
declaration  
to be used  
for  
registration  
of voters.

be used pursuant to such laws at a provincial election commenced at the same time as the election under this Act, the Chief Electoral Officer may direct the use under this section of such list as should in his opinion be used, and such list shall be used accordingly.

6. Where under the provisions of this section provincial voters' lists are adopted for use in a Dominion election, and where new polling divisions are created under section twenty-eight of this Act which do not conform to provincial polling divisions, the registrar for urban polling divisions under Schedule A to this section and the returning officer for rural polling divisions shall respectively transfer the names of voters from the provincial polling divisions and place them in their appropriate Dominion polling divisions.

7. The Chief Electoral Officer is empowered to decide upon the best available evidence, for all the purposes of this Act, whether any place is a city, town or incorporated village and whether it has a population of over five thousand persons.

8. All revising officers and registrars shall advertise in newspapers or by posted notices, according to directions which shall be given by the Chief Electoral Officer, their names and post office addresses, the days and hours when they sit for the purposes of this Act, and the dates when they respectively will post up or certify the lists of voters, but this subsection shall not apply to the certifying of lists prescribed by rule nineteen of Schedule A to this section.

9. Every person who applies under this Act to be registered as a voter in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who, having been once registered to his knowledge under this Act as a voter entitled to vote at a pending election, applies to be again registered in the same electoral district as a voter entitled to vote at the same election, shall be guilty of the offence of personation, and liable to the penalties imposed in this Act upon persons guilty of that offence.

10. Any person making a claim to be registered as a voter at any registration sittings, and answering and declaring any of the interrogatories necessary to entitle a person to be registered as a voter as by this Act provided, knowing his answer or declaration to be false, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided, and on the trial of any such person for such offence the burden of proof of all matters material shall be upon such person and not upon the Crown.

11. Any registrar, notary public, commissioner for oaths, justice of the peace or other functionary or person who falsely signs any statutory declaration to be used for the purposes of procuring the registration of voters under this Act, certifying or declaring that such declaration was made before him, or who signs it prior to the same being signed by the person purporting to declare to the same or otherwise than in the presence of the declarant, shall, for every such act, be guilty of an indictable offence against this Act punishable as by this Act provided.



SCHEDULE A TO SECTION 32.

*Rules for Personal Registration of Voters and revision applicable only to urban polling divisions.*

REGISTRARS

Rule (1) Immediately after the receipt of the writ the returning officer shall appoint by writing in Form No. 5 two persons only to be registrars of voters in each city, town or incorporated village which is wholly or partly contained in the electoral district for which the election is pending and which has a population of over five thousand and less than eight thousand persons, and one for each additional four thousand persons, or such greater or less number as may be directed by the Chief Electoral Officer as necessary or sufficient to afford adequate opportunity to be registered to every person who desires and has a right so to be registered, and every such registrar so appointed shall, before acting as such, take the oath in Form No. 6 and shall be assigned by the returning officer to such parts or such number of polls as he may deem right and proper. The returning officer shall keep a record of the names and addresses of the registrars whom he appoints and of the polling divisions for which each is to act, and any candidate or person authorized in writing by such candidate shall be entitled to inspect such record and make extracts therefrom.

Rule (2) Every registrar shall, immediately after taking oath as such, post up or cause to be posted up in conspicuous places within the city, town or incorporated village or part thereof for which he has been appointed, sufficient copies of a poster notice in Form No. 12, with dates, hours, and place of sitting properly stated therein. He shall so post or cause to be posted not less than six copies of the notice per thousand of the population which is within the territorial limits of his appointment and such notice shall be so posted at least four days before the first day of registration. He shall also, before nine o'clock of the first day fixed for the registration of voters, cause at least five copies of such notice to be posted up in some conspicuous place outside of and near to the place where he sits for the registration of voters, and he shall see that these notices remain duly posted up throughout the whole period of registration.

Rule (3) Every registrar shall provide, within the territorial limit for which he is appointed, a convenient place, properly lighted and heated, and being the place mentioned in such notice, for the purpose of the registration of voters. He shall, for such purpose, attend and sit thereat for six days, except Sunday, during the period for registration (to be fixed and notified by the Chief Electoral Officer) from nine o'clock in the forenoon until nine o'clock in the afternoon, with intermissions from one o'clock to two o'clock and from six o'clock to seven o'clock. All persons desiring to be registered as voters shall attend in person before the registrar.

Rule (4) The registrar shall permit to be present in the place of registration one representative of each recognized and opposed political interest in the electoral district, but no such representative shall, except with the permission of the registrar, have any right to take part or intervene in the proceedings.

Rule (5) When a person claiming to be entitled to be registered as a voter applies for registration, the registrar shall proceed as follows:—

- (a) He shall administer to the applicant, orally, under oath or solemn affirmation, the interrogatories contained in Form No. 13.
- (b) If it appears to the registrar from the answers given by the applicant to such interrogatories that the applicant is entitled to be registered, the registrar shall announce that the application is granted, and the applicant's name, occupation and address shall be written in an index book which shall be kept for each polling division in Form No. 17, with the letter W in brackets, thus [W] after the name of every female voter; but if it appears to such registrar that such applicant is not entitled to be registered, or if the applicant refuses to answer any of such interrogatories or to be sworn or to solemnly affirm, the registrar shall announce that the application is refused and the applicant's name shall not be written in such index book.
- (c) Wherever the language of the applicant is not understood by the registrar an interpreter may be sworn and may act; in the event of inability to secure an interpreter the application shall, for the time being, be refused.
- (d) When an application for registration is refused and the applicant demands a certificate of such refusal the registrar shall sign, date and deliver to the applicant a certificate in Form No. 14, which shall state the applicant's name, address and occupation, as given, and the reason for such refusal.

Rule (6) If any person who claims to be entitled to be registered is unable to personally attend the registration sittings by reason of sickness, disability, or necessary, temporary, unavoidable and *bona fide* absence from the city, town or incorporated village wherein he is entitled to be registered, any other person who is a relative or employer of such first-mentioned person and who has a personal knowledge of the facts may appear before the registrar, who shall administer to him, orally, under oath or solemn affirmation the interrogatories contained in Form No. 15, and if he substantiates (a) the cause of absence to be such as is in this rule set forth and (b) all things requisite to the registration of such first-mentioned person, saving personal appearance, that person may be registered as if he had personally appeared. The registrar shall announce and otherwise proceed as hereinbefore provided in the case of an applicant personally appearing.

Rule (7) Any voter qualified to vote in any polling division in the district allotted to any registrar, and duly entered in the list of voters for such polling division, may make oath before such registrar alleging the death, disqualification, or real residence and appearance in another list, of any person on the list for any of such polling divisions, and the registrar, upon such oath being made before him, shall transmit by registered mail addressed to the person objected to, at the address mentioned in the list of voters, if any, and also at such other address, if any, as may be mentioned in the oath aforesaid, a notice requiring

the person objected to to appear in person or by representative before the revising officer on a day to be named in such notice, to establish his qualification as a voter, and the registrar shall transmit with each copy of such notice a copy of the oath of the voter making the objection. Such oath may be in the Form No. 18 and such notice in Form No. 19.

Rule (8) The registrar shall with reasonable expedition and within three days after the closing of the registration:—

- (a) Prepare from the index book kept by him a true, complete and final list, certified as such under his hand, for each polling division which is wholly or partly contained within the city, town or incorporated village or part thereof for which he is appointed. He shall write and sign at the foot or end thereof the following words:—

I certify that the foregoing is a correct list of the voters in polling division No. .... (or Nos. .... as the case may be) of the city (town or incorporated village) of .....in the electoral district of....., as prepared by me.  
Dated at ..... this..... day  
of.....19....

.....  
*Registrar*

Such list shall show the names thereon alphabetically arranged according to the first letter of the surnames and shall have the letter W in brackets, thus [W] after the name of every female voter whose name has been placed on, added to or permitted to remain on the registrar's index book, and such list shall be made in Form No. 11. The name of a married woman or a widow shall be entered in the index book under the first letter of the surname of her husband or deceased husband, respectively.

- (b) Post a certified copy of every such list in a conspicuous place in the city, town or incorporated village hall, if any, and in at least two other conspicuous places in the polling division to which the list relates.
- (c) Deliver or send by registered mail one certified copy of such list to each candidate forthwith upon the registrar receiving notice of the nomination of candidate.

Rule (9) The registrar shall preserve an original of such list which shall be accessible to all persons who may apply to see it or to take extracts therefrom.

Rule (10) Immediately after the registrar shall have posted up such lists he shall transmit or deliver to the revising officer for the city, town or incorporated village, for or for part of which such registrar is appointed, the index book kept by him for each polling division under his jurisdiction with an affidavit in Form No. 16, together with a certified copy of the list therein contained, and the original oaths, if any made before him under Rule (7) of this schedule, with, attached to each, a copy of the notice mailed to the voter objected to and the registration receipt or receipts issued upon the despatch thereof.



Rule (11). Every registrar shall, while sitting as such, be a conservator of the peace and have and possess the same powers as a justice of the peace in his province. He may appoint, if necessary, constables for the maintenance of order and for the arrest of and detention of persons guilty of personation of others, or of attempting to personate others, or who impede or improperly interrupt his proceedings or create a disturbance.

Rule (12) In the event of the death or illness of any registrar or of his neglect or refusal to perform any duty imposed upon him by this Act, the returning officer may appoint another person with power, after taking the oath in Form No. 6, to act in such registrar's place and stead.

#### REVISION

Revising  
officers.

Rule (13) (a) Subject as hereinafter provided, lists of voters for any place shall be revised by the judge hereinafter described within whose territory, county or district such place lies, namely:—

Districts  
of Quebec  
and  
Montreal.

In the judicial districts of Quebec and Montreal in the province of Quebec, by the judge from time to time performing the duties of the chief justice or acting chief justice therein.

Province  
of Quebec.

Elsewhere in the province of Quebec, by the judge exercising from time to time the jurisdiction of the Superior Court judge of the district, and if there is more than one judge exercising such jurisdiction, by the senior of them.

Yukon.

In the Yukon Territory, by the judge from time to time performing the duties of judge of the Territorial Court of said Territory.

Elsewhere.

Elsewhere, by the judge exercising from time to time the jurisdiction of the judge of the County or District Court, and, if there is more than one judge exercising such jurisdiction, by the senior of them.

Judge may  
appoint  
substitute  
in writing.

(b) The judge hereinbefore described may appoint a person to act as his substitute for any place or places or any part of any place within his territory, district or county and such substitute shall, with respect to the lists of voters for such place or places or part of a place, exercise all the powers and perform all the duties of such judge. Every such appointment shall be made in writing and a duplicate thereof shall be sent by the judge to the Chief Electoral Officer forthwith after the making thereof.

Copy sent  
to Chief  
Electoral  
Officer.

Clerk.

(c) Any revising officer or substitute revising officer may appoint a clerk.

Fees.  
payable  
to judges.

(d) Any fees allowed to revising officers by any tariff of fees approved under section seventy-seven of this Act shall be payable to judges who personally undertake the revision of lists of voters.

Rule (14) Every revising officer shall, for the purposes of this Act, have jurisdiction and authority, on appeal and otherwise as by this Act provided, over the same territorial area as the registrar who prepared the lists which the revising officer is empowered to revise. He shall, unless he be a judge, before

acting as such, be sworn to the faithful performance of his duties before a judge of any court, a notary public, a stipendiary magistrate, or a justice of the peace. He shall dispose of all matters coming before him in manner not inconsistent with the provisions of this Act and, save as otherwise provided, may prescribe or confirm such procedure as to notice, evidence or otherwise as, in his judgment, is fair and reasonable according to the circumstances, and in case any matter or thing respecting the revising of lists for the purposes of the pending election is not specifically or sufficiently provided for in this Act, the revising officer shall deal with the same on principles of equity and justice.

Rule (15) The revising officer shall first sit at such place as he may fix and notify by previous public advertisement for four days, on the twenty-first day before the polling day. He shall continue in session as revising officer for six days, excluding Sunday.

Rule (16) The revising officer may, if he considers that a poll is likely to be required, arrange for the setting up in type as soon as he receives it of the preliminary list prepared by the registrar, and for the pulling of proofs therefrom for his own use in correcting the list, and also for the use of candidates, provided that no candidate shall be entitled to more than two proofs of the preliminary list as so set up.

#### METHOD OF REVISION

Rule (17) The revising officer shall revise the lists of voters to which his appointment relates, in the following manner, but in accordance with all other provisions in these rules contained, that is to say:—

- (a) All the names appearing on such lists, including the names appearing on any provincial list adopted pursuant to section thirty-two of this Act, against which no appeals have been asserted to him shall be allowed to stand without investigation as to qualification.
- (b) Opposite to or at the side of the name of any person struck off such list of voters he shall write the words "struck off" followed by his initials.
- (c) Appeals asserted upon oath before a registrar under Rule (7) of this Schedule, and of which notice has been properly given by the registrar under the said Rule, shall, at a sitting of the revising officer on the day on which such appeals are returnable, be dealt with by the revising officer, and if the person objected to does not during such sittings appear before him in person or by representative, or being present or represented, fails to satisfy the revising officer of his right to have his name retained upon the list, his name may be struck therefrom, whether or not the voter by whom the objection was made has appeared before the revising officer.
- (d) Appeals to the revising officer to strike names off the list of voters may also be given by any person on two days' notice in writing sent by mail, registered and prepaid, to the person affected, addressed to him at the address at which the revising officer is of opinion, on such evidence as may be

adduced before him, that it should have reached him if he were qualified to vote in the electoral district. Upon any such application the onus of substantiating sufficient *prima facie* ground to strike off the name shall be upon the applicant, and the person whose name has been objected to shall not be called upon for any evidence or proof unless the revising officer is of opinion that such *prima facie* ground has been established, nor shall the absence or non-attendance of any person whose name has been objected to relieve the applicant from such onus.

- (e) If an applicant has been refused registration by the registrar such refusal may be reviewed by the proper revising officer upon presentation to such revising officer of a certificate in Form No. 14, but, notwithstanding the provisions of this rule, any person claiming to be entitled to be placed on any list of electors preparable for any polling division which is wholly or partly contained within any city, town or incorporated village or part thereof under the provisions of this section may, notwithstanding that he has neglected or omitted to apply for registration at any of the sittings of any registrar, and, as well, any person who has applied and has been refused registration (whether or not he obtains or presents a certificate in Form No. 14) may apply at any of the sittings of the revising officer to have his name entered on such list of voters, and he shall be entitled to have his name entered on such list if, after *viva voce* examination on oath the revising officer shall be of opinion that such applicant possesses the necessary qualifications; no notice of application shall in any such case be required.
- (f) The revising officer may, without previous notice, complaint or appeal, correct any mistake which is proved to him to have been made by the registrar in respect of any name, residence, occupation or otherwise howsoever.
- (g) In all proceedings under this Act the revising officer shall have, with reference to the matters in this Act contained, all the powers which belong to or might be exercised by a judge of a court of record in any action pending in his court.

Rule (18) As soon as possible after the conclusion of his sittings and at latest on the twelfth day before polling day, the revising officer shall

- (a) initial all changes or additions made by him to each list of a polling division, and shall write and sign at the foot or end thereof the words following:—

I certify that the foregoing is a correct list of the voters in polling division No. .... (or as the case may be) of the electoral district of....., as revised on appeal by me this.....day of....., 19....

Revising officer for the city (town or incorporated village) of.....

Electoral District of.....  
in the province of.....



- (b) deliver or mail by registered letter to each of the candidates a statement of such changes or additions as he has made in the lists of voters on appeal;
- (c) cause to be printed such number of such lists as the returning officer may advise will be sufficient for the purpose of the election. Such printing shall be superintended by the revising officer's clerk.

Rule (19) Upon completion of printing the revising officer shall carefully compare the printed lists with the originals in his hands, and make all necessary corrections so that the printed copies shall accord with the written copy, and thereafter shall certify under his hand as true copies all such printed lists and shall dispatch by registered mail to the Chief Electoral Officer the original lists from which the printing was done and twelve copies of such printed lists, and to each of the candidates or their agents twenty copies thereof.

Rule (20) The revising officer shall so provide that the printing of such lists shall be completed and copies thereof be delivered to the candidates or their agents at least four days before the polling day. Provided, however, that if the revising officer shall report to the Chief Electoral Officer that the lists cannot be printed in time for delivery to the candidates as required by this rule, the Chief Electoral Officer may order that the printing of the lists be dispensed with, and in such case the revising officer shall cause to be made for each candidate one complete copy of the list as finally revised and certified under his hand as a true copy and he shall deliver or send by registered mail to each candidate or to his agent one copy of such list at least four days before the polling day.

Rule (21) All lists of voters printed and certified as hereinbefore provided shall be and be considered official lists of voters of the polling division to which they relate.

Rule (22) In the event of a revising officer's death, resignation, inability or refusal to act, the Governor in Council may appoint another to act in his stead.

Rule (23) The revising officer shall deliver or cause to be delivered, at or before six o'clock in the morning of the polling day, or sooner if the returning officer so directs, to the deputy returning officer for the polling division to which it relates a certified copy of the voters' lists for such deputy returning officers' polling division, which list shall be the official list for such polling division.

#### SCHEDULE B TO SECTION 32

##### *Rules for Registration of Voters, and revision applicable only to rural polling divisions*

Rule (1) Immediately after the receipt of the writ the returning officer shall appoint by writing in Form No. 5 one person only to be registrar of voters for each rural polling division. Whenever a competent person can be secured who is a resident within the limits of the polling division such person shall be appointed and only in case of necessity shall a registrar be selected

from an outside polling division. The returning officer shall keep a record of the names and addresses of the registrars whom he appoints and of the polling division for which each is to act, and any candidate or person authorized in writing by such candidate shall be entitled to inspect such record and make extracts therefrom.

Rule (2) Each registrar after taking oath as such in Form No. 6, shall, whenever the returning officer so directs, complete in manner provided by section 32 of this Act and by these rules, in an index book in Form No. 17 a list of the persons who are qualified as electors to vote within the polling division for which the registrar has been appointed at the election then pending, making at least three plainly written copies of such list, with the names of the voters placed or added thereon or thereto by him arranged in alphabetical order, according to the first letter of their surnames, stating the occupation and residence of each voter and writing the letter W in brackets, thus [W] after the name of every female voter whose name he places on, adds to or permits to remain on said list, the whole as in Form No. 11. The name of a married woman or a widow shall be entered in the index book under the first letter of the surname of her husband, or deceased husband respectively.

Rule (3) Each registrar shall complete, date at his place of residence and certify as in Form No. 20 such copies of the voters' list on the fifteenth day before the polling day and not otherwise; two of such copies he shall post up in two of the most public and conspicuous places within such polling division and another he shall retain for revision. He shall, on the day fixed for the nomination of candidates, deliver or send by registered mail a copy of such list to each of the candidates or alternatively to such person, if any, as has been notified to him in writing by any candidate for that purpose. He shall attach to each of the copies so posted up a written notice as in said Form No. 20, signed by him and designating the place within the polling division and a time where and when electors may conveniently find him during the hours between two and six o'clock in the afternoon of every day except Sunday of the five days next following the fourteenth day before the polling day. He shall attend and remain at such designated place during the designated times.

Rule (4) If any registrar, at any time after posting up any voters' list, and not later than the tenth day before the polling day, is fully satisfied from representations made to him by any credible person under oath that the name of any person who is qualified as an elector to vote at the election then pending within the polling division for which the registrar has been appointed has been omitted from the voters' list he shall add such name to the copy of the list in his possession, and attest by his initials such addition. If in like manner he is fully satisfied from representations made to him by any credible person under oath that the name of any person who is not qualified as aforesaid appears on such list he may draw erasing lines through such name and attest by his initials in like manner. If he finds that the occupation, addition or residence of any voter is inaccurately stated on the list he may correct the inaccuracy and attest by his initials as aforesaid.

Rule (5) Every registrar having revised and corrected such retained copy of the voters' list compiled by him shall write at the foot of such copy and close to the last name thereon, on the ninth day before the polling day, a certificate in the form of the certificate contained in said Form No. 11. He shall also on the same day deliver or mail by registered letter to the returning officer a copy of the list so certified. He shall also, on the same day, deliver or mail by registered letter to each of the candidates, or alternatively to such person, if any, as has been notified to him in writing by any candidate for that purpose, a statement of the additions made to and of the changes made in the list retained pursuant to these rules. He shall also deliver or send by registered mail to the returning officer a true copy of such revised and corrected list of voters and, at or before six o'clock in the morning of the polling day, or sooner if the returning officer so directs, deliver to the deputy returning officer for the polling division to which it relates the said list so retained and certified, which shall be the official voters' list for such polling division, but such list shall be subject to further correction on the polling day as by section sixty-four of this Act provided.

Rule (6) In the event of the death or illness of any registrar, or of his neglect or refusal to perform any duty imposed upon him by this Act, the returning officer may appoint another person, with power, after taking the oath in Form No. 6, to act in such registrar's place and stead. 1920, c. 46, s. 32; 1921, c. 29, ss. 5, 6 and 7; 1925, c. 42, ss. 4 to 18.

33. Except at a general election and as provided in this section, it shall not be necessary to prepare new lists of voters for the purposes of any election to be held in any electoral district when there has been in that electoral district a previous election for which the lists of voters prepared are of record in the office of the Chief Electoral Officer and there is an interval of less than two years between the dates of the writs for the two elections.

When new lists of voters unnecessary.

2. In such event it shall be the duty of the Chief Electoral Officer to forward to the returning officer, with the writ of election, three certified copies of each of the lists of voters so of record in his office.

Lists which shall be used.

3. Such certified copies shall be delivered by the returning officer to the rural registrars and to the revising officers to be appointed as in this Act provided and each of them shall post and notify and shall print, revise, correct, certify, and otherwise act in all respects as if such certified copies were lists of voters preliminarily prepared, completed and signed by a registrar as in this Act provided.

Duties of rural registrars and revising officers.

4. The copy so retained, as revised and certified and as received by the deputy returning officer from the registrar or revising officer, shall be the list of voters for the polling division to which it relates.

Revised and certified copy to be list.

5. Should there be in any electoral district a polling division for which a list of voters is not of record in the office of the Chief Electoral Officer, a list for such polling division shall, for the purposes of any election, be wholly prepared in the manner by this Act provided. 1920, c. 46, s. 33; 1921, c. 29, s. 8.

List for polling division for which no list is of record.



Additional  
polling  
stations  
when more  
than 300  
electors in  
a polling  
division.

**34.** Where a polling division is found to contain more than three hundred qualified electors, and in any other case where the Chief Electoral Officer may authorize or direct, the returning officer shall provide within the polling division separate and adjacent additional polling stations, so that not more than three hundred, and, when practicable, not less than one hundred and fifty names shall be on the list of voters for each polling station.

2. The returning officer shall in such case direct the registrar or revising officer to prepare and he shall prepare from the list of voters for the polling division as finally compiled and revised by him, a separate list, made up in alphabetical order for each polling station according to the initial letter of the surnames of the voters.

3. Each separate polling station shall be designed by the initial letters of the electors who are to vote thereat, as from A to K, from L to R or from S to Z, or as the case may be.

4. Every voter, the initial letter of whose surname is included within the letters designating a polling station and contained in such list, shall vote in the station so designated.

5. The returning officer shall appoint a deputy returning officer for every such additional polling station and the registrar or revising officer shall deliver to him within the time provided by and subject to the provisions of rule twenty-three of Schedule A of section thirty-two, or by rule five of Schedule B of said section, a correct and certified list of all voters on the list of voters of the polling division whose surnames commence with the letters included within those by which the polling station is designated. 1920, c. 46, s. 34.

*Persons Ineligible and Persons Excusable as Election Officers*

Who shall  
not be  
appointed  
election  
officers.

**35.** None of the following persons shall be appointed Chief Electoral Officer, returning officer, registrar or deputy returning officer, election clerk or poll clerk, that is to say:—

- (a) Members of the King's Privy Council for Canada or of the executive council of any province of Canada;
- (b) Members of the Senate or of the Legislative Council of any province of Canada;
- (c) Members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Yukon Territorial Council;
- (d) Ministers, priests or ecclesiastics of any religious faith or worship;
- (e) Judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any local judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory, police magistrates;
- (f) Persons who have served in the Parliament of Canada in the session immediately preceding the election or in the session in progress at the time of the election;

- (g) Persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty in violation of this Act or any provincial Act relating to elections, or under the Disfranchising Act;
- (h) Persons convicted of any indictable offence;
- (i) Aliens.

2. No person shall be appointed election clerk, deputy returning officer, registrar or poll clerk unless he is a resident of the electoral district within which is to act. Residence of election officers.

3. None of the following persons, unless they are sheriffs, registrars, town clerks or assessors, shall be obliged to act as returning officer, deputy returning officer, registrar, election clerk or poll clerk, that is to say:— Who shall not be bound to act as such.

- (a) Professors in any university, college, high school or academy;
- (b) Physicians or surgeons;
- (c) Millers;
- (d) Postmasters, customs officers, or clerks in post offices or customs offices;
- (e) Persons of sixty years of age or upwards;
- (f) Persons who have previously served as returning officers at a Dominion election. 1920, c. 46, s. 35.

#### *Issue and Transmission of Election Materials*

36. Immediately after the issue of the writ of election the Chief Electoral Officer shall transmit to the returning officer, Writ, indexed copies of Act or excerpts therefrom for election officers, blank poll books and forms, to be sent to returning officer.
- (a) such writ;
  - (b) such sufficiently indexed copies of or excerpts from this Act, and such instructions prepared by him, as are required for the proper conduct of the election and in order to supply to each election officer a copy of such portions of the Act and such instructions as such officer may have occasion to consult or observe in the performance of his duties;
  - (c) sufficient blank poll books and blank forms, including the forms of oaths, for the purposes of the election except Forms No. 21, 25 and 28, which the returning officer shall himself cause to be printed;
  - (d) a statement setting forth what portion, if any, of the electoral district shall be deemed to be urban polling divisions under the provisions of this Act.

2. On or before nomination day the Chief Electoral Officer shall cause to be delivered to every returning officer an impression stamp specially made for the purposes of the particular election and so designed that an impression made from it will be readily recognizable and will show the name of the electoral district and the year of the election. Such stamp is in this Act referred to as "The Official Stamp." Also official stamp.  
Description.

3. All letters or mailable matter addressed to the Chief Electoral Officer at Ottawa, or sent by the said Chief Electoral Officer at Ottawa, shall be free of Canadian postage under such regulations as the Postmaster General shall prescribe. 1920, c. 46, s. 36; 1921, c. 29, s. 9. Postage free.

*Proclamation by Returning Officer*

Proc-  
lamation  
by  
returning  
officer  
mailed  
to post-  
masters.

**37.** Within two days after the receipt of the writ of election the returning officer shall issue a proclamation in Form No. 21 under his hand in the English and French languages in every electoral district in the provinces of Quebec and Manitoba, and in the English language only in other electoral districts, and shall mail one copy at least to the various postmasters of the post offices within his electoral district, and such proclamation shall indicate

- (a) The place and time fixed for the nomination of candidates;
- (b) the day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;
- (c) the time when and the place where the returning officer will add up the number of votes given to the several candidates.

The returning officer shall at the same time notify in writing each postmaster of the provisions of subsection five of this section.

Yukon  
Territory.

Publication.

**2.** In the Yukon Territory it shall be sufficient compliance with the immediately preceding provisions if, at least six days before the day fixed for the nomination of candidates, the returning officer shall cause such proclamation to be inserted in at least one daily newspaper published in Dawson and in one thereof, if any, published in Whitehorse, and mails at least one copy of such proclamation to such postmasters within his electoral district as, in his judgment and in accordance with his knowledge of the prevailing conditions will possibly receive the same at least six clear days before nomination day.

Inadvertent  
omission.

**3.** Inadvertent omission on the part of the returning officer of any electoral district to mail such proclamations or any thereof in time or to mail them to a number less than one-tenth of the postmasters within an electoral district shall not be deemed non-compliance with the provisions of this section.

Copies of  
proc-  
lamation.

**4.** Within two days after receipt of the writ of election the returning officer shall deliver or send by mail five copies of such proclamation to each person who is, or at the election last held in the electoral district was, a candidate for election.

Post-  
master  
to post up  
proc-  
lamation.

**5.** Every postmaster shall, forthwith after receipt of such proclamation, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for nomination of candidates has passed, and failure to do so shall be ground for his dismissal from office, and for the purposes of this provision such postmaster shall be deemed an election officer and liable as such. 1920, c. 46, s. 37.

*Qualifications of Candidates*

Qualifica-  
tion of  
candidates.

**38.** Except as in this Act otherwise provided any British subject, male or female, who is of the full age of twenty-one years, may be a candidate at a Dominion election. 1920, c. 46, s. 38.



*Disqualifications of Candidates*

**39.** The respective persons hereunder mentioned shall not for the time specified as to each such person be eligible as candidates at an election, namely:—

- (a) Every person found by the report of the judge on the trial of an election petition to have committed at an election any corrupt practice, and who is reported to the Speaker as having had an opportunity to be heard on his own behalf and has been expressly declared to be a person who should be disqualified as hereinafter provided, or convicted before any competent court of having committed at an election any offence which is a corrupt practice, or ordered to pay any sum forfeited because of the commission of any corrupt practice, or found guilty, in any proceeding in which after notice of the charge he has had an opportunity of being heard, of any corrupt practice or of any offence which is a corrupt practice—during the period of seven years next after the date of his being so found, convicted, ordered or found guilty; Disqualifications.  
Corrupt practice.
- (b) Every person found by the report of the judge on the trial of an election petition to have committed at an election any illegal practice, and who is reported to the Speaker as having had an opportunity to be heard on his own behalf and has been expressly declared to be a person who should be disqualified as hereinafter provided, or convicted before any competent court of having committed at an election any offence which is an illegal practice, or ordered to pay any sum forfeited because of the commission of any illegal practice, or found guilty in any proceeding in which after notice of the charge he has had an opportunity of being heard of any illegal practice or of any offence which is an illegal practice—during the period of five years next after the date of his being so found, convicted, ordered or found guilty; Illegal practice.
- (c) Every person directly or indirectly, alone or with any other person, by himself or by the interposition of any trustee or third party, holding or enjoying, undertaking or executing any contract or agreement express or implied, with or for the Government of Canada on behalf of the Crown, or with or for any of the officers of the Government of Canada, for which any public money of Canada is to be paid—during the time he is so holding, enjoying, undertaking, or executing; Government contracts.
- (d) Every person who is a member of the legislature of any province—during the time he is such member; Member of legislature.
- (e) Every person holding the office of sheriff, registrar of deeds, clerk of the peace or county Crown attorney—during the time he is holding such office; Certain public officers.
- (f) Every person accepting or holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada at the nomination of the Crown or at the nomination of any of the officers of the Persons in employ of Government.

Government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached—during the time he is so holding any such office, commission or employment.

Exceptions.

Ministers.

2. The provisions of this section shall not render ineligible

(a) the member of the King's Privy Council holding the recognized position of First Minister or any person holding the office of President of the Privy Council, Minister of Finance, Minister of Justice, Minister of National Defence, Secretary of State, Minister of the Interior, Minister of Railways and Canals, Minister of Public Works, Postmaster General, Minister of Agriculture, Minister of National Revenue, Minister of Marine and Fisheries, Minister of Trade and Commerce, Minister of Labour, Secretary of State for External Affairs, Minister of Soldiers' Civil Re-establishment, Minister of Immigration and Colonization, Solicitor General, Parliamentary Secretary or Parliamentary Under Secretary, or any office which is hereafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown;

Members of  
naval,  
military or  
air forces on  
active  
service.

(b) any person serving in the naval, military or air forces of Canada, or in any other of the naval or military forces of the Crown, while such forces are on active service in consequence of any war, and receiving salary, pay or allowance as a member of such forces while on such active service;

Share-  
holder  
of  
company  
having  
Govern-  
ment  
contract.  
Person  
on whom  
contract  
devolves.

(c) a shareholder in any incorporated company having a contract or agreement with the Government of Canada except any company which undertakes a contract for the building of any public work; or

(d) a person on whom the completion of any contract or agreement, expressed or implied, devolves by descent or limitation, or by marriage, or as devisee, legatee, executor or administrator, until twelve months have elapsed after the same has so devolved on him; or

Contractor  
for loans  
to Govern-  
ment.

(e) a contractor for the loan of money or of securities for the payment of money to the Government of Canada under the authority of Parliament, after public competition, or respecting the purchase or payment of the public stock or debentures of Canada on terms common to all persons; or

Militia  
officer  
or militia-  
man.

(f) an officer of the militia or militiaman, not receiving any salary or emolument out of the public money of Canada, except his daily pay when called out for drill or active service, or annual or other allowances of any kind prescribed by the Militia Act, or fixed or prescribed by the Governor in Council under the provisions of the Militia Act, or sums paid for enrolment, and any pay or remuneration allowed him for the care of arms or for drill instruction.

Effect of  
election  
of dis-  
qualified  
person.

3. The election of any person who is by this Act declared to be ineligible as a candidate shall be void, and if a member of the legislature of any province, notwithstanding his disqualification, receives a majority of votes at an election, the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible. 1920, c. 46, s. 39; 1925, c. 42, s. 19.

*Nomination of Candidates*

40. The Governor in Council shall fix the day for the nomination of candidates and the day for polling and the days so fixed shall be named in the writ of election.

Nomina-  
tion day.

2. At every general election the same day shall be fixed for polling in all electoral districts and, at every election, a day, seven days before polling day shall be fixed for the nomination of candidates in all electoral districts except those mentioned in Schedule Three, a day fourteen days before polling day to be named for the nomination of candidates in all electoral districts therein set out: Provided that if either of the days so set for the nomination of candidates is a statutory holiday then the nomination of candidates may be fixed for the next preceding day, not being a Sunday or a statutory holiday.

Interval  
between  
nomination  
and polling  
day.

3. The place fixed for the nomination of candidates shall be the court house, city or town hall, or some other public or private building, in the most central or most convenient place for the majority of the electors of each electoral district.

Place of  
nomination.

4. The time appointed for the nomination of candidates shall be from the hour of twelve at noon until the hour of two in the afternoon of the day fixed for that purpose, and, during such time, the returning officer and the election clerk shall remain at the place fixed in the proclamation for the purpose of receiving nomination papers.

Hours of  
nomination.

5. Any ten or more electors of an electoral district for which an election is to be held may nominate a candidate, or as many candidates as are required to be elected for such electoral district, by signing a nomination paper in Form No. 22 stating therein the name, residence and addition or description of each person proposed, in such manner as sufficiently to identify such candidate, and by causing such nomination paper to be produced to the returning officer at the time and place indicated in the proclamation, or to be filed with the returning officer at any other place and at any time between the date of the proclamation and the day of nomination, and the returning officer shall notify the urban registrars in his electoral district of the fact of any nomination so made before nomination day, and of the name, address and occupation of the candidate as given in the nomination paper.

Form of  
nomination.

6. Each candidate shall be nominated by a separate nomination paper; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected.

Registrars  
to be  
notified of  
nomina-  
tions.

Each  
candidate  
separately.

7. The returning officer shall require the person, or one or more of the persons, producing or filing as aforesaid any such nomination paper, to make oath before him that he knows or they know that

Nomination  
paper to be  
attested  
on oath.

- (a) the several persons who have signed such nomination paper are duly qualified electors of the electoral district for which the election is to be held; and
- (b) they have signed it in his or their presence; and
- (c) the consent of the candidate was signed in his or their presence, or, as the case may be, that the person named as candidate is absent from the electoral district.



Form of  
oath.

8. Such oath may be in Form No. 23 and the fact of its having been taken shall be stated on the back of the nomination paper.

Consent of  
candidate.

9. No nomination paper shall be valid or acted upon by the returning officer unless it is accompanied by

(a) the consent in writing of the person therein nominated, except where such person is absent from the electoral district in which the election is to be held, when such absence shall be stated in the nomination paper; and

Deposit by  
candidate.

(b) a deposit of two hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, or a cheque made payable to the Receiver General of Canada, for that amount drawn upon and accepted by such bank.

Receipt for  
deposit.

10. The returning officer shall give to the candidate or his agent a receipt for such deposit, which shall in every case be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment therein mentioned.

Sent to  
Auditor  
General.

11. At the close of the nomination proceedings the returning officer shall forward by registered mail to the Auditor General of Canada the money or cheques so deposited with the names and addresses of the candidates who made the several deposits.

How dealt  
with.

12. The sum so deposited by any candidate shall be returned to him by the Auditor General in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of a candidate elected; otherwise, except in the case hereinafter provided for, it shall belong to His Majesty for the public uses of Canada.

Returned  
in case of  
death.

13. The sum so deposited shall, in case of the death of any candidate after being nominated and before the closing of the poll, be returned to the personal representatives of such candidate or to such other person or persons as may be determined by the Treasury Board.

List of  
candidates  
nominated.

14. At the close of the time for nominating the candidates the returning officer shall deliver to every candidate or the agent of a candidate applying therefor a duly certified list of the names of the several candidates who have been nominated.

Votes for  
any other  
to be void.

15. Any votes given at the election for any other candidates than those nominated in the manner provided by this Act shall be null and void. 1920, c. 46, s. 40; 1925, c. 42, ss. 20 and 21.

### *Return by Acclamation*

Return  
when no  
more  
candidates  
than  
number of  
members  
required.

41. Whenever only one candidate, or only such a number of candidates as are required by law to be elected to represent the electoral district for which the election is held, have been nominated within the time fixed for that purpose the returning officer shall forthwith make his return to the Chief Electoral Officer, in Form No. 24, that such candidate or candidates, as the case may be, is or are duly elected for the said electoral district, of which return he shall send within forty-eight hours a duplicate or certified copy to the person or persons elected.

2. The returning officer shall accompany his return to the Chief Electoral Officer with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act. Report with return.

3. Nothing in this Act shall be construed to impose any liability upon any person nominated as a candidate or declared to be a candidate by others without his consent, unless he has afterwards given his assent to such nomination or declaration or has been elected. 1920, c. 46, s. 41. No one a candidate without his consent.

42. Whenever any candidate dies after being nominated and before the closing of the polls, the returning officer shall fix another day for the nomination of candidates. Postponement of nomination day on death of candidate.

2. Notice of the day fixed, which shall not be more than one month from the death of such candidate or less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted as specified in section thirty-seven and there shall also be named by such proclamation a new day for polling which shall be fourteen days after the date fixed for the nomination. Notice and proclamation of new polling day.

3. Full particulars of any action taken under this section shall be reported by the returning officer to the Chief Electoral Officer with the return. 1921, c. 29, s. 10. Report.

### *Withdrawal of Candidates*

43. Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll, by filing with the returning officer a declaration in writing to that effect signed by himself; and any votes cast for the candidate who has so withdrawn shall be null and void. Withdrawal of candidates.

2. If, after the withdrawal, there remains but one candidate, or no more than the number to be elected, then the returning officer shall return as duly elected the candidate or candidates so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll, if such withdrawal is filed on the polling day. If no more remain than number to be elected.

3. Any person who, before or during an election, for the purpose of providing or procuring the election of another candidate, knowingly publishes a false statement of the withdrawal of a candidate at such election is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. 1920, c. 46, s. 43. False statement of withdrawal. Penalty.

### *The Granting and Organization of a Poll*

44. If more candidates than the number required to be elected for the electoral district are nominated in the manner required by this Act the returning officer shall grant a poll for taking the votes of the electors. Granting of poll.

2. On such poll being granted, the returning officer shall as soon thereafter as possible mail to the same postmasters to whom the proclamation in Form No. 21 shall have been mailed (and in the Yukon Territory advertise in the same papers) notices in Form No. 25 issued under his hand in the English Returning officer to mail notice to postmasters.

and French languages in every electoral district in the provinces of Quebec and Manitoba, and in the English language only in other electoral districts, of his having granted such poll, and indicating

- |                                    |  |
|------------------------------------|--|
| Candidates.                        | (a) the names, residences and occupations of the candidates nominated, in the order in which they are to be printed on the ballot papers; and,   |
| Polling stations.                  | (b) the several polling stations fixed by him and (in as brief as possible terms) the territorial limits to which they respectively apply.   |
| Notice to postmaster.              | 3. The returning officer shall at the same time notify in writing each postmaster of the provisions of subsection five of this section.  |
| Notice to candidates.              | 4. The returning officer shall, as soon as possible, deliver or send by registered mail ten copies of such notice in Form No. 25 to each candidate nominated.  |
| To be posted.                      | 5. Every postmaster shall, forthwith after receipt of such notice in Form No. 25, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for polling day has passed, and failure to do so shall be ground for his dismissal from office; and for the purpose of this provision such postmaster shall be deemed an election officer and liable as such. 1920, c. 46, s. 44.  |
| Postmaster election officer.       |  |
| Further duty of returning officer. | <p>45. The returning officer shall furnish in time to each deputy returning officer</p> <ul style="list-style-type: none"> <li>(a) a sufficient number of ballot papers to enable the supply of at least the number of voters on the list of such deputy's polling division;</li> <li>(b) a certificate of the number of ballot papers so supplied;</li> <li>(c) the necessary materials for voters to mark their ballots;</li> <li>(d) at least ten copies of printed directions in Form No. 26 for the guidance of voters in voting; and</li> <li>(e) a copy of this Act and of the instructions referred to in section thirty-six.</li> </ul> |
| Ballots.                           | 2. All ballots shall be of the same description and as nearly alike as possible.   |
| Stamped.                           | <p>3. Every ballot paper so supplied shall be stamped by the returning officer with the official stamp so placed on the ballot paper that, when the latter is folded by a voter, the stamp can be seen without the ballot paper being opened.</p> <p>4. Two days at least before polling day the returning officer shall furnish</p>   |
| Ballot boxes, etc.                 | (a) to each deputy returning officer, a ballot box, a blank poll book, forms of oaths to be administered to voters, envelopes, sealing wax, such other stationery as may be authorized by the Chief Electoral Officer, and a screen, if required;  |
| List of deputies.                  | (b) to each candidate or his agent, a list of all deputy returning officers appointed to act in the electoral district, with the name or number of the polling division or polling station at which each is to act. 1920, c. 46, s. 45.  |



46. Until the opening of the poll the deputy returning officer shall keep the blank poll book, forms of oaths, envelopes and ballot papers carefully locked up in the ballot box, and shall take every precaution for their safekeeping and for preventing any person from having unlawful access to them. 1920, c. 46, s. 46.

Safe  
keeping  
of ballot  
papers, etc.

47. Each deputy returning officer shall, if practicable, furnish to the returning officer, not later than ten o'clock in the morning of the day prior to the day fixed for polling, the name and occupation or addition of his poll clerk; and the returning officer shall, not later than twelve o'clock noon of the day prior to the day fixed for polling, post up in his office and as well forward to the Chief Electoral Officer a list of the names and addresses of the deputy returning officers and poll clerks, with the occupation or addition of each, showing the polling station where each is to act, and shall permit free access to and afford full opportunity for inspection of such list by any candidate, agent or elector up to at least six o'clock in the evening of the same day. 1920, c. 46, s. 47.

Information  
as to poll  
clerks.

List of  
deputies and  
poll clerks.

48. Whenever a deputy returning officer dies, or refuses or is unable to act, the returning officer may appoint another person in his stead as deputy returning officer; and if no such appointment is made the poll clerk, without taking another oath of office, shall act as deputy returning officer.

When  
deputy dies  
or cannot  
act.

2. Whenever the poll clerk acts as deputy returning officer, he shall, by a commission in Form No. 27, appoint a poll clerk to act in his stead, who shall take the oath in Form No. 10.

Another  
poll clerk  
appointed.

3. If the returning officer sees fit to act in the capacity of deputy returning officer for any polling division, he may dispense with appointing a deputy for such division, and himself perform the duties of deputy returning officer therein, without taking any oath of office other than that which he is required to take as returning officer. 1920, c. 46, s. 48.

Returning  
officer  
may act  
as deputy.

### *Ballot Boxes and Ballot Papers*

49. The Chief Electoral Officer may cause to be made for each electoral district such ballot boxes as are required; or he may give to the returning officer such instructions as are deemed necessary to secure ballot boxes of a uniform size and shape.

Ballot  
boxes.

2. The ballot boxes shall be made of some durable material, with one lock and key; and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the box is unlocked.

Con-  
struction.

3. The sheriff of the county or district, or the registrar of the county or registration division, or the postmaster of the locality in which the nomination has been held, shall, immediately after the granting of the poll, deliver to the returning officer the ballot boxes and padlocks deposited in his custody in accordance with this Act.

Furnished  
by sheriff,  
registrar, or  
postmaster.

4. Whenever the returning officer fails to furnish the ballot box to the deputy returning officer for any polling division within the time prescribed by this Act, such deputy returning officer shall otherwise procure it or cause it to be made. 1920, c. 46, s. 49.

If not  
furnished.

Form of  
ballot.

50. The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names of the candidates alphabetically arranged in the order of their surnames, shall be printed exactly as they are set out in the nomination paper; the ballot paper shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 28.

Arrange-  
ment of  
names  
thereon.

2. Where two members are to be elected for the electoral district and there are more than two candidates, the candidates may, within an hour after the time appointed for the nomination, agree to their names being arranged otherwise than alphabetically, and in such case the returning officer shall have the names arranged accordingly on the ballot paper.

Quality  
and weight  
of paper.

3. The ballot shall be printed upon thick writing paper which shall be furnished to the returning officer by the Chief Electoral Officer at the time of or as soon as possible after the transmission of the writ of election; if foolscap paper is used, it shall be of a weight of not less than sixteen pounds to the ream; if large post paper is used, it shall be of a weight of not less than twenty-five pounds to the ream.

Numbering  
of ballot  
papers.

4. The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil; they shall be bound or stitched in books containing twenty-five, fifty, or one hundred ballots, as may be most suitable for supplying the polling division proportionately to the number of voters in each.

Printer's  
name and  
affidavit.

5. They shall bear the name of the printer and such printer shall, upon delivering the ballot papers to the returning officer, file in his hands an affidavit setting forth the description of the ballot papers so printed by him, the number of ballot papers supplied to such returning officer, and the fact that no other ballot papers have been supplied by him to any other person.

Property in  
His  
Majesty.

6. The property of the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election shall be in His Majesty. 1920, c. 46, s. 50.

### 51. Every one who

Forgery or  
destruction  
of ballots.

(a) forges, counterfeits, fraudulently alters, defaces, or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon;

Illegal supply.

(b) without authority supplies a ballot paper to any person;

Fraudu-  
lently  
put in box.

(c) fraudulently puts into a ballot box a paper other than the ballot paper which he is authorized by law to put in;

Taking out  
of polling  
station.

(d) fraudulently takes a ballot paper out of the polling station;

Destroying  
or opening  
box or  
packet.

(e) without due authority destroys, takes, opens or otherwise interferences with a ballot box or book or packet of ballot papers then in use for the purposes of the election;

Counter-  
feiting  
of stamp.

(f) forges or counterfeits any official, legal or authorized stamp for the stamping of ballot papers, or uses any such stamp for any purpose other than the stamping of ballot papers, or, not being a returning officer, has in his possession any such stamp or any counterfeit or imitation thereof;

- (g) being a deputy returning officer fraudulently puts, otherwise than as authorized by this Act, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; Illegally initialling bogus ballots.
  - (h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper of an election; Printing ballots.
  - (i) being authorized by the returning officer to print the ballot papers for an election, with fraudulent intent, prints more ballot papers than he is authorized to print; Printing more ballots than required.
  - (j) being a deputy returning officer, places upon any ballot paper, except as authorized by this Act, any writing, number, or mark with intent that the voter to whom such ballot paper is to be, or has been, given may be identified thereby; Marking ballots.
  - (k) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated; or Making, importing or having ballot boxes with secret devices.
  - (l) attempts to commit any offence specified in this section; Attempts.
- shall be disqualified from voting at any election for a term of seven years thereafter and guilty of an indictable offence and liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment, without the alternative of a fine, for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person to imprisonment for a term not exceeding three years and not less than one year, with or without hard labour. 1920, c. 46, s. 51. Penalty.

### *Agents at the Polls*

52. In addition to the deputy returning officer and the poll clerk, the candidates, and their agents not exceeding two in number for each candidate in each polling station, and, in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given during the time the poll remains open. Who may be present at polling station.
2. Each of the agents of such candidate, and, in the absence of agents, each of the electors representing each candidate, on being admitted to the polling station, shall take an oath in Form 29 to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence. Oath of secrecy.
3. Any agent bearing a written authorization from the candidate shall always be entitled to represent such candidate in preference to, and to the exclusion of, any two electors who might otherwise claim the right of representing such candidate under this Act. Agent authorized in writing.



Who may  
act as agent  
for  
candidate.

4. Any person producing to the returning officer or deputy returning officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate, within the meaning of this Act. 1920, c. 46, s. 52; 1921, c. 29, s. 11.

### Voting on Certificate

Certain  
officers and  
agents may  
vote at  
polling  
stations  
where  
employed.

53. Any candidate, deputy returning officer, agent or poll clerk who is an elector qualified in a polling division other than that whereat he is employed on polling day shall be permitted to vote at the polling station where he is so employed if he produces and files with the deputy returning officer at such polling station a certificate in Form No. 30 from the revising officer where such other polling division is an urban polling division, and from the registrar where such other polling division is a rural polling division, that he, such candidate, officer, agent, or clerk, is a qualified elector in such other polling division, which certificate the revising officer or registrar shall give *gratis*.

Certificates.

2. The revising officer or registrar

(a) shall sign every such certificate and mention thereon the date of its issue;

(b) shall consecutively number every such certificate in the order of its issue; and

(c) shall not issue any such certificate in blank.

What to  
contain.

3. Every such certificate shall contain in writing the name of the person to whom it is issued, and shall state that such person is a qualified elector, the polling division in which he is entitled to vote, and, if he is a deputy returning officer, agent or poll clerk, the polling station for which he is appointed.

Condition.

4. No such certificate shall entitle any such deputy returning officer, poll clerk or agent to vote at such polling station unless he has been actually engaged as such thereat during the day of polling.

Limitation.

5. No more than two agents of any candidate shall have the right to vote in such manner at any one polling station.

Oath.

6. Every person so appointed deputy returning officer, poll clerk or agent, and claiming to vote by virtue of such certificate, shall, if required, before voting, take the oath in Form 31, and such oath shall be filed with the deputy returning officer at the polling station where the person taking it has voted.

To be filed.

Entry.

7. In every case of a vote polled under authority of this section, the poll clerk shall enter in the poll book, opposite the voter's name, in the column for remarks, a memorandum stating that the voter voted under certificate, giving the number of such certificate, and stating the particular office or position which the voter is filling at the polling station. 1920, c. 46, s. 53.

### Preliminaries at the Poll

Counting  
of ballots  
before  
opening  
of poll.

54. If the agents and electors entitled to be present in the room of the polling station during polling hours are in attendance at least fifteen minutes before the hour fixed for opening the poll, they shall be entitled to have the ballot papers intended for use thereat carefully counted in their presence before the opening of the poll, and to inspect such ballot papers, and all other papers, forms and documents relating to the poll.

2. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, be authorized to attend.

Candidate  
may act as  
his own  
agent.

3. The non-attendance of any agent or agents of candidates at any time or place required by this Act shall not in any wise invalidate any act or thing done during the absence of such agent or agents if such act or thing is otherwise duly done, and wherever in this Act any expressions are used requiring or authorizing any act to be done at the polls or otherwise, in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done. 1920, c. 46, s. 54.

Provisions  
requiring  
presence  
of agents.

### *Polls and Polling Stations*

55. The poll shall be held in each polling division in a room or building of convenient access, with an outside door for the admittance of voters, and having, if possible, another door through which they may leave after having voted.

Polling  
stations.

2. The polling station shall contain one or two compartments so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper.

Compartment-  
ments

3. In such compartment there shall be provided for the use of voters in marking their ballots, a table or desk with a hard and smooth surface and a suitable black lead pencil, which shall be kept properly sharpened throughout the hours of polling.

Table or  
desk.

4. The Chief Electoral Officer may give to the returning officer such instructions as are deemed necessary as to the mode of making the compartments.

Instructions.

5. The poll shall be opened at the hour of eight o'clock in the forenoon and kept open until six o'clock in the afternoon of the same day, and each deputy returning officer shall, during that time, in the polling station assigned to him, receive in the manner hereinafter prescribed the votes of the electors duly qualified to vote at such polling station.

Hours of  
polling.

6. Upon application to the Chief Electoral Officer by any municipality situated upon or near the international boundary line the Chief Electoral Officer may in his discretion authorize a change in the hours of polling for all polls in such municipality in order to accommodate electors who are resident in Canada but whose occupation renders it necessary for them to be absent from Canada during the ordinary polling hours.

Exception.

7. Such application for change of polling hours must be made to the Chief Electoral Officer at least ten days before the day appointed as nomination day and the Chief Electoral Officer shall notify the returning officer of any change in the hours of polling authorized by him and the same shall be duly announced by the returning officer at the time appointed for the nomination of candidates.

Application  
for change  
of polling  
hours.

8. The deputy returning officer shall, on polling day, at or before the opening of the poll, cause such printed directions

Directions  
to be  
posted.

to voters as have been supplied to him in Form No. 26 to be posted up in some conspicuous places outside of and near to the polling station and also in each compartment of the polling station. 1920, c. 46, s. 55; 1921, c. 29, ss. 12 and 13; 1925, c. 42, s. 22.

### *Proceedings at the Poll*

Opening  
and  
locking of  
ballot box.

56. At the hour fixed for opening the poll the deputy returning officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the deputy returning officer shall keep the key thereof; the box shall be placed on a table in full view of all present and shall be maintained there and so until the close of the poll.

Calling  
voters.

2. Immediately after the ballot box is so locked, the deputy returning officer shall call upon the electors to vote.

Voters  
not to be  
impeded.

3. The deputy returning officer shall secure the admittance of every elector into the polling station, and shall see that voters are not impeded or molested at or about the polling station.

One voter  
at a time.

4. Not more than one voter for each compartment shall, at any time, enter the room where the poll is held; and each elector, upon so entering, shall declare his name and addition, which particulars shall be entered in the poll book to be kept by the poll clerk in Form No. 32, a number being prefixed to the voter's name. 1920, c. 46, s. 56.

Elector to  
declare his  
name, etc.

Who may  
vote and  
where.

57. Except as otherwise provided in this Act every person shall be entitled to vote whose name appears on a voters' list prepared under this Act, and he may vote at the polling station of the polling division upon the list of voters for which his name so appears and at no other.

Voting  
more than  
once in  
same  
electoral  
district.

2. No elector shall vote more than once in the same electoral district at the same election nor in more than one electoral district on the same day, but each elector may vote for as many candidates as are required to be elected to represent the electoral district in which he votes. 1920, c. 46, s. 57.

Name,  
address and  
occupation  
correspond-  
ing  
closely to  
another.

58. Where there is contained in the list of voters a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot is demanded as to suggest that the entry in the voters' list was intended to refer to him, such person shall, upon taking an oath in Form 34 and complying in all other respects with the provisions of the Act, be entitled to receive a ballot and to vote.

May vote  
on taking  
oath.

Entries  
in poll  
book.

2. In any such case the name, address or occupation as stated in the list of voters shall be corrected therein according to the facts and correctly entered in the poll book, the fact that the oath has been taken shall be entered in the proper column of the poll book, and the words "*Voters List Corrected*" in the remarks column thereof. 1921, c. 29, s. 14.

Oath of  
elector.

59. A voter if required by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any elector present, shall, before receiving his ballot paper, take an oath in Form No. 33, and if he refuses to take the same,



erasing lines shall be drawn through his name on the list of voters and in the poll book, if such name has been entered in the said book, and the words "*Refused to be sworn*" shall be written thereafter.

Refusing to be sworn.

2. No voter who has refused to take an oath or affirmation or to answer any questions, or produce any evidence, as by this Act required, shall receive a ballot paper or be admitted to vote or be again admitted to the polling place.

Voter refusing oath not entitled to vote.

3. If any deputy returning officer, or other person presiding at a polling station, in administering to any person any oath mentions as a disqualification any fact or circumstance which is not a disqualification according to the provisions of this Act, he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. 1920, c. 46, s. 58; 1921, c. 29, s. 23.

Improper varying of oath.

60. The poll clerk shall

Corrections in list and entries in poll book.

- (a) make such additions, alterations and erasures in the list of voters, and such entries in the poll book, as the deputy returning officer, pursuant to any provision of this Act, directs;
- (b) enter in the poll book opposite the name of each voter, as soon as the voter's ballot paper has been deposited in the ballot box, the word "*Voted*";
- (c) enter in the poll book the word "*Sworn*" or "*Affirmed*" opposite the name of each voter to whom any oath or affirmation as to qualification or otherwise has been administered, indicating the nature of the oath or affirmation; and
- (d) enter in the poll book the words "*Refused to be sworn*" or "*Refused to affirm*" or "*Refused to answer*," opposite the name of each voter who has refused to take an oath or to affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer. 1920, c. 46, s. 59.

### Secrecy

61. Every candidate, officer, clerk, agent or other person in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no candidate, officer, clerk, agent or other person shall,

Secrecy during poll.

- (a) at the polling station interfere with, or attempt to interfere with a voter when marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any voter is about to vote or has voted; or
- (b) at the counting of the votes attempt to ascertain the number on the back of any ballot paper; or
- (c) at any time communicate, except to a court or judge lawfully requiring him so to do, any information as to the number on the back of the ballot paper given to any voter at a polling station; or
- (d) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has so marked his vote; or

Interfering with voter marking ballot.

Taking number of ballot on count.

Giving number of ballot at any time.

Inducing voter to display ballot.

Vote not to be disclosed.

(e) at any time communicate to any person any information obtained at a polling station as to the candidate for whom any voter at such polling station is about to vote or has voted; or

Secrecy respecting counting of votes.

(f) at such counting attempt to obtain any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

Penalty for violation.

2. Every person who contravenes or fails to observe any provision of this section is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. 1920, c. 46, s. 60; 1925, c. 42, s. 23.

Ballot not to be displayed.

62. No voter shall, except when unable to read or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he voted to be known, and any person who violates the provisions of this section shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. 1920, c. 46, s. 61.

Penalty.

### *Manner of Voting*

Ballot paper to be initialled.

63. Voting shall be by ballot. Each voter shall receive from the deputy returning officer a ballot paper, on the back of which such officer has previously put his initials, so placed as indicated in Form No. 28 that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to that place opposite the voter's name in the poll book.

Counterfoil to be numbered.

Instructions to voter on receiving ballot paper.

2. The deputy returning officer shall instruct the voter how and where to affix his mark, and properly fold the voter's ballot paper, directing him to return it, when marked, folded as shown, but without inquiring or seeing for whom he intends to vote, except in the case herein provided for of a voter who is unable to read or incapacitated by blindness or any physical cause from voting in the manner prescribed by this Act.

Mode of voting.

3. The voter, on receiving the ballot paper, shall forthwith proceed into one of the polling compartments and there mark his ballot paper by making a cross with a black lead pencil within the white space containing the name of the candidate or of each of the candidates for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials and official stamp on the back of it and the number on the counterfoil can be seen without opening it, and hand the paper to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the initials, official stamp and number appearing thereon that it is the same paper as that delivered to the voter and if the same he shall forthwith, in full view of the voter and all others present, remove and destroy the counterfoil and deposit the ballot in the ballot box.

If D.R.O. fails to remove counterfoil.

4. Where the deputy returning officer has inadvertently omitted to remove the counterfoil from the ballot paper before placing such ballot paper in the ballot box, he may, exercising care however that the number on such counterfoil be not seen

by any person present and without himself examining such number, remove and destroy such counterfoil at the counting of the ballots.

5. The judge who may conduct any recount proceedings shall have the like power, inadvertence on the part of the deputy returning officer being, for the purposes of the recount, presumed. Powers of judge.

6. The ballots, if otherwise in proper form, shall be counted as if the counterfoil had been at the proper time removed therefrom. Counted.

7. A voter who has inadvertently dealt with the ballot paper delivered to him in such manner that it cannot conveniently be used shall restore it to the deputy returning officer, who shall deface it in such manner as to render it a spoiled ballot and deliver another in its place. Spoiled ballot paper.

8. Subject to all other provisions of this Act as to proof of qualification as an elector and the administration of oaths, if a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath, in form No. 37, and otherwise establishing his identity to the satisfaction of the deputy returning officer. Elector in whose name another has voted.

9. In such case, the deputy returning officer shall put on the back of the ballot paper his initials, together with a number corresponding to that entered on the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book Ballot paper initialled and numbered.

(a) the name of such voter;

(b) a note of his having voted on a second ballot paper issued under the same name; Entry in poll book.

(c) the fact of the oath of identity having been required and taken, and the fact of any other oaths being so required or taken; and

(d) any objections made on behalf of any and of which of the candidates.

10. The deputy returning officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall require the voter making such application to make oath in Form No. 38 of his incapacity to vote without assistance, and thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the sworn agents of the candidates, or of the sworn electors, representing the candidates in the polling station, and of no other person, and place such ballot in the ballot box. Voter unable to mark his ballot paper. Oath.

11. Whenever any voter has had his ballot paper marked as provided in the next preceding subsection, the deputy returning officer shall enter in the poll book opposite the voter's name, in addition to any other requisite entry, the reason why such ballot paper was marked by him. Entry in poll book.

12. Whenever the deputy returning officer does not understand the language spoken by any voter that officer shall swear an interpreter, who shall be the means of communication between him and the voter with reference to all matters required to enable such voter to vote, and in case no interpreter is found, such voter shall not be allowed to vote. Interpreter to be sworn. No interpreter, no vote.



No delay in voting.

13. Every voter shall vote without undue delay, and shall quit the polling station as soon as his ballot paper has been put into the ballot box. 1920, c. 46, s. 62; 1921, c. 29, s. 23.

Name not on list.

64. At polling stations in rural polling divisions the deputy returning officer shall, while the poll is open, if required by any person whose name is not on the voters' list and who is vouched for by an elector whose name appears upon a voters' list and who is a resident in such polling division, administer to such person an oath in Form No. 35, and to such elector an oath in Form No. 36, and such oath having been taken by the applicant person and by such elector, the deputy returning officer shall at once cause such applicant person's name to be added to the voters' list, with the word "sworn" written thereafter, and subject to the next following subsection, such applicant person may thereupon vote.

Oath.

Oaths, when to be tendered, person refusing not to vote.

2. Every deputy returning officer may, and, when required by any candidate, agent or elector so to do, shall administer to any person who claims the right to vote at such deputy's polling station an oath in Form No. 33, and if such person refuses to take such oath, he shall not be permitted to vote at the election, and if his name is on the voters' list or has been entered in the poll book, erasing lines shall be drawn through such name and the words "*Refused to be sworn*" shall be written thereafter.

Poll clerk to make alterations, etc.

3. The poll clerk shall make such additions, alterations, and erasures in the voters' list, and such entries in the poll book, as the deputy returning officer directs him to make including the name of the person who vouched for the applicant person, and as are required by any provision of this Act. 1920, c. 46, s. 63; 1921, c. 29, s. 23.

### *Peace and Good Order at Elections*

Returning officer and deputy to be conservators of peace.

65. Every returning officer, and every deputy returning officer, from the time he takes his oath of office until completion of the performance of his duties as such officer, shall be a conservator of the peace invested with all the powers appertaining to a justice of the peace, and he may

May command assistance.

(a) require the assistance of justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at the election; and

Swear in constables.

(b) on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary; and

Arrest disturbers.

(c) arrest or cause by verbal order to be arrested, and place or cause to be placed in the custody of any constables or other persons, any person disturbing the peace and good order at the election; and

Imprison disturbers.

(d) cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll.

Summary proceedings in case of personation.

2. If a person is charged at a polling station with having committed or attempted to commit the offence of personation, or having voted or attempted to vote knowing that he was for any reason disqualified, non-qualified, or incompetent to vote at such election, the deputy returning officer at such polling station may, and, if requested so to do on behalf of a candidate, shall, take

the information on oath of the person making the charge; and such information may be made in Form No. 39 or in Form No. 40, as the case may be.

3. If the person against whom it is proposed to lay the information has not left the polling station the deputy returning officer may, either on his own motion or at the request of any one proposing forthwith to lay such information, detain or direct the detention of such person until a written information can be drawn up.

Detention  
of alleged  
personator.

4. Upon receiving the information the deputy returning officer may, on the polling day, but not afterwards, issue his warrant, in Form No. 41 or in Form No. 42 as the case may be, for the arrest of the person charged, in order that he may be brought before the magistrate, or one of the magistrates therein named, to answer to the said information and to be further dealt with according to law.

Warrant of  
arrest.

5. Such warrant shall be sufficient authority for any peace officer, as defined by the Criminal Code, to detain such person until he is brought before the magistrate.

Execution  
of warrant.

6. If the correct name of the person charged is unknown to the informant, it shall be sufficient, in the information and other proceedings, to describe the person charged as a person whose name is to the informant unknown but who is detained under the order of the deputy returning officer; or, the person charged may be described in such other manner as will suitably identify him; and, when the name of the person so charged is ascertained, it shall be stated in any subsequent warrant or proceeding.

If name of  
alleged  
personator is  
unknown.

7. Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act respecting summary proceedings in cases of personation; and every deputy returning officer may appoint such special constables as he deems necessary for the like purpose, who shall have full power to act without taking any oath.

Constables.

Special  
constables.

8. The magistrate named in any such warrant shall be one having jurisdiction under that part of the Criminal Code, relating to the summary trial of indictable offences and shall be the nearest such magistrate available in the county or judicial district.

9. The provisions of the said part of the Criminal Code shall apply to all proceedings under this Act, against any person or persons accused of personation under the seven subsections last preceding. 1920, c. 46, s. 64.

66. Except the returning officer, the deputy returning officer, the poll clerk, and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling division for at least six months next before the day of such election shall come during any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like, and no person being in such polling division shall arm himself, during any part of the day, with any such offensive weapon, and, thus armed, approach with-

Strangers  
not to enter  
polling  
districts  
armed.

in the distance of one mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority.

Demand that weapons be delivered up.

2. The returning officer or deputy returning officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station to deliver to him any firearm, sword, staff, bludgeon or other offensive weapon in the hands or personal possession of such person and the person so required shall forthwith so deliver.

Flags, etc., not to be furnished or carried.

3. No person shall furnish or supply any ensign, standard or set of colours, or any other flag, to or for any person with intent that it shall be carried or used in such electoral district on the day of election, or within eight days before such day, or during the continuance of such election or the polling, by any person, as a party flag to distinguish the bearer thereof and those who follow it as the supporters of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall, for any reason, carry or use any such ensign, standard, set of colours or other flag, as a party flag, within such electoral district on the day of any such election or polling or within eight days before such day, or during the continuance of such election.

Ribbons or favours not to be furnished or worn.

4. No person shall furnish or supply any ribbon, label or like favour to or for any person with intent that it be worn or used within such electoral district on the day of election or polling, or within eight days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any ribbon, label, or other favour, as such badge, within such electoral district on the day of any such election or polling, or within eight days before such day, during the continuance of such election.

Liquor not to be sold or given on polling day.

5. No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop or other place within the limits of any polling division, during the whole of the polling day at an election.

Penalty.

6. Every person who violates, contravenes, or fails to observe any of the provisions of this section is guilty of an indictable offence against this Act, punishable as in this Act provided. 1920, c. 46, s. 65.

### *Counting and Reporting the Vote.*

Counting votes by deputy returning officers.

67. Immediately after the close of the poll the deputy returning officer shall, in the following order,

- (a) place all the spoiled ballots in an envelope and seal it up;
- (b) count the number of voters whose names appear on the poll book as having voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: "*The number of voters who voted at this election in this polling division is*" (*stating the number*), and sign his name thereto;
- (c) in the presence of and in full view of the poll clerk and the candidates or their agents, and, if the candidates and their agents or any of them are absent, then in the presence



of such, if any, of them as are present, and of at least three electors, open the ballot box and proceed to count the number of votes given for each candidate, giving full opportunity to those present to examine each ballot.

2. In counting the votes, the deputy returning officer shall reject all ballot papers Rejection of ballots.

- (a) which have not been supplied by him; or
- (b) by which votes have been given for more candidates than are to be elected; or
- (c) upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases hereinbefore referred to, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer.

3. The deputy returning officer shall take a note of every objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection; the decision of the deputy returning officer shall be final, subject to reversal on recount or on petition questioning the election or return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer. Objections to ballot papers.  
  
To be numbered.

4. All the ballot papers not rejected by the deputy returning officer shall be counted and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, and the ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes or parcels; all rejected spoiled and unused ballot papers shall respectively be put into separate envelopes or parcels and all such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer and by such agents present as may desire to seal them or to sign their names thereon in addition or instead. Duties after counting the votes.  
  
Disposition of ballot papers.

5. The deputy returning officer and the poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the oaths in Forms No. 43 and 44, which shall remain attached to the poll book. Oaths by deputy and poll clerk.

6. The deputy returning officer shall make out a statement in triplicate, in Form No. 45, one copy to remain attached to the poll book, one copy to be retained by the deputy returning officer, and the third copy to be enclosed by him in a special envelope supplied for the purpose, which envelope he shall seal and deposit in the ballot box; and he shall also deliver to each of the candidates, or to their agents, or, in the absence of such candidates or agents, to the electors present representing the candidates, a certificate in Form No. 46 of the number of votes given for each candidate, and of the number of rejected ballot papers, and mail to each candidate, to their addresses stated in the ballot paper, a like certificate. Statement by deputy.

7. The poll book, the envelopes containing the ballot papers, the envelope containing the voters' list, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, and this large envelope Documents enclosed in ballot box.

shall then be sealed and placed in the ballot box together with the envelope mentioned in the next preceding subsection, which, being first locked and sealed with the seal of the deputy returning officer, shall be forthwith delivered by the deputy returning officer to the returning officer, or to the election clerk, or to one or more persons specially appointed for that purpose by the returning officer, who shall receive the same; and such person or persons shall on delivering the ballot boxes to the returning officer take the oath in Form No. 47.

Ballot box, key and accounts to be delivered to returning officer.

8. The deputy returning officer shall, with the ballot box, deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box and the polling station accounts furnished him in blank by the returning officer, having first caused them to be filled in and signed by the officials of his polling station entitled to fees, and by the landlord thereof, if any, and if under the next following subsection the ballot box is returned to the returning officer post free, registered, the envelope containing the key thereof and the polling station account shall likewise be so returned at the same time.

Ballot boxes delivered free of postage.

9. The returning officer may direct the delivery of ballot boxes to him by parcel post, registered, and any ballot box addressed to any returning officer on or subsequent to polling day by his title as such, or with the addition of his name, shall, when posted in Canada, be carried free in the Canadian mails as registered matter.

Penalty for failure to enclose necessary documents.

10. If any deputy returning officer shall omit to enclose within the ballot box and in the proper envelopes provided for that purpose, the list of voters or any statement, certificate or other document, in contravention or non-observance of the provisions of this Act, he shall, in addition to any other punishment or consequences to which he may be liable, forfeit all right to payment for, and he shall not be paid for, his services as such officer or be paid or repaid his disbursements made. 1920, c. 46, s. 66; 1925, c. 42, ss. 24 and 25.

### *Proceedings of Returning Officer after Return of Ballot Boxes.*

Custody of ballot boxes.

68. The returning officer, upon the receipt by him of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any person other than himself and his election clerk from having access thereto, sealing it under his own seal so that it cannot be opened without the seal being broken, but without effacing or covering any other seals thereto affixed.

Opening of boxes and addition of votes.

2. After all the ballot boxes have been received the returning officer, at the place, day and hour appointed by his proclamation and in the presence of the election clerk, the candidates or their representatives, if present, or of at least two electors if the candidates or their representatives are not present, shall open such ballot boxes, and from the statements therein, returned by the deputy returning officers, of the ballot papers counted by them, add together the number of votes given for each candidate.

Declaration of election.

3. The candidate who, on the addition of the votes, is found to have a majority of the votes, shall then be declared elected in writing and a copy of such declaration shall be forthwith delivered to each candidate or his agent, if present at the final addition of the votes, or, if any candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered mail.

4. Whenever, on such addition of votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle any of such candidates to be declared elected, the returning officer, shall give such additional vote. 1920, c. 46, s. 67; 1925, c. 42, s. 26.

Casting  
vote of  
returning  
officer.

69. If the ballot boxes are not all returned on the day fixed for adding up the number of votes given to the several candidates the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of adding up the votes.

Adjourn-  
ment if  
ballot  
boxes are  
missing.

2. In case any deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, he may thereupon adjourn to a future day and hour the adding up of the number of votes given for each candidate, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks.

Adjourn-  
ment for  
other  
causes.

3. If the ballot boxes or any of them have been destroyed or lost, or, for any other reason are not forthcoming within the time fixed by this Act, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall obtain from each of the deputy returning officers whose ballot boxes are missing, or from any other person having them, the list, statements and certificates or copies of the lists, statements and certificates, of the number of votes given to each candidate required by this Act, the whole verified on oath.

Provision in  
case of  
loss of  
ballot  
boxes.

4. If such lists, statements and certificates or any of them, or copies thereof cannot be obtained, the returning officer shall ascertain by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling stations; and, to that end, may summon any such deputy returning officer, his poll clerk, or any other person, to appear before him at a day and hour to be named by him, and to bring all necessary papers and documents with him, of which day and hour and of the intended proceedings the candidates shall have due notice; and the returning officer may examine on oath such deputy returning officer or poll clerk, or any other person, respecting the matter in question.

If lists,  
etc., cannot  
be obtained.

5. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the exact number of votes given for each candidate in the polling division of such deputy returning officer, and, to that end, shall have the powers set out in the next preceding subsection.

Duty of  
returning  
officer if  
statement  
not in ballot  
box.

6. In any case arising under the two last preceding subsections, the returning officer shall return the candidate appearing to have the majority of votes, and shall mention specially, in a report to be sent with the return, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement as aforesaid, and the mode by which he ascertained the number of votes given to each candidate.

Return of  
candidate  
appearing  
to have  
majority.



Not obeying  
summons of  
returning  
officer.

7. Any person refusing or neglecting to attend on the summons of a returning officer issued under this Act, in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at the several polling stations, shall be guilty of an indictable offence against this Act punishable as in this Act provided. 1920, c. 46, s. 68.

Custody of  
ballot boxes.

70. After the close of the election the returning officer shall cause the ballot boxes used thereat, with their locks and keys, to be deposited in the custody of the officer in charge of a federal building, if any, at the place at which the votes were finally counted, or if none, of the postmaster at such place, or of the sheriff of any county or district, or the registrar of deeds of any county or registration division, included, or in part included, in the electoral district.

Receipt.

2. Upon delivery to him of such ballot boxes, locks and keys the custodian shall issue his receipt therefor and shall at the next ensuing election, upon request, deliver the same to the returning officer to whom the writ is directed, taking such returning officer's receipt. 1925, c. 42, s. 27.

### *Recount by Judge*

Application  
for recount  
or re-  
addition  
by judge.

71. If within four days after the day on which the returning officer has declared a candidate elected it is made to appear, on the affidavit of a creditable witness, to the judge hereafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of ballots cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada as security for the costs of the candidate declared elected, the said judge shall appoint a time within four days after the receipt of the said affidavit to recount or make a readdition of the said votes.

Judges to  
whom  
application  
is to be  
made.

Districts of  
Quebec  
and  
Montreal.

Province of  
Quebec.

Yukon.

Elsewhere.

2. The judge to whom applications under this section may be made, shall be the judge hereinafter described within whose territory, district or country is the place at which the declaration of the election was made, namely:—

In the judicial districts of Quebec and Montreal in the province of Quebec, by the judge of the Superior Court from time to time performing the duties of the Chief Justice or Acting Chief Justice therein;

Elsewhere in the province of Quebec, by the judge exercising from time to time the jurisdiction of the Superior Court judge of the district, and if there is more than one judge exercising such jurisdiction, by the senior of them;

In the Yukon Territory, by the judge at the time performing the duties of the judge of the Territorial Court of the said Territory; and

Elsewhere, by the judge exercising from time to time the jurisdiction of the Judge of the County or District Court, and, if there is more than one such judge, then by the senior of them.

3. If applications for a recount or readdition of the votes in two or more electoral districts are made under this section to the same judge, such judge shall proceed with the recount or readdition in the electoral district in respect of which the first application is made to him, and successively with the recounts or readditions in the electoral district or districts in respect of which applications were later made, and all such recounts or readditions shall proceed continuously from day to day until the last of them has been completed.

Procedure when applications for recount in two or more districts are made.

4. The judge shall appoint and give written notice to the candidates or their agents of a time and place at which he will proceed to recount or to make final addition, as the case may be; and he may at the time of the application or afterwards, decide and announce that service of the notice will be substitutional, or by mail or by posting, or in any other manner.

Notice and service.

5. Such judge shall also summon and command the returning officer and his election clerk to attend at the time and place so appointed with the parcels containing the used and counted, the rejected, and the spoiled ballot papers, or the original statements of the deputy returning officers, as the case may be, with respect to or in consequence of which such recount or final addition is to take place, which summons and command the returning officer and election clerk shall obey, and they shall attend throughout the proceedings, at which proceedings each candidate shall be entitled to be present and to be represented by not more than three agents appointed to attend.

Order of judge to returning officer.

Who may be present at recount.

6. In case any candidate is not present or represented any three electors who may demand to attend in his behalf shall be entitled to attend; and except with the sanction of the judge, no other person shall be present at such recount or final addition.

If candidate not represented, authority of judge.

7. At the time and place appointed, and in the presence of such of the said persons as shall attend, the judge shall proceed to make such final addition from the statements contained in the several ballot boxes returned by the several deputy returning officers, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open the sealed packets containing the used and counted, the rejected, and the spoiled ballot papers, and he shall not, except as hereinafter provided, open any other ballot papers or any other packets or envelopes containing ballots or ballot papers.

Making final addition on recount.

Opening sealed packets of ballots.

8. In the case of a recount, the judge shall recount the votes according to the directions in this Act set forth for deputy returning officers at the close of the poll, and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate; and he shall also, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when the returning officer made his decision, or when the proper certificates or papers were not found therein, and for the purpose of arriving at the facts as to such missing box, certificates or papers, the judge shall have all the powers of a returning officer with regard to the attendance and examination of witnesses, who in case of non-attendance shall be subject to the same consequences as in case of refusal or neglect to attend on the summons of a returning officer.

Model of proceeding with the recount.

Powers of judge.

Proceedings  
to be con-  
tinuous.

9. The judge shall, as far as practicable, proceed continuously, except on Sunday, with the final addition or recount, allowing only necessary recess for refreshment, and excluding, except as he shall otherwise openly direct, the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

During  
excluded time  
documents  
to be under  
seal.

10. During such recess or excluded time the ballot papers and other documents shall be kept enclosed in parcels under the seals of the judge and of such other of the said persons as desire to affix their seals thereto.

11. The judge shall personally supervise such parcelling and sealing and take all necessary precautions for the security of such papers and documents.

Declaration  
of election  
after  
recount.

12. The judge shall thereupon declare the recount or final addition at an end, seal up all the ballot papers in separate packages, and forthwith certify the result of the recount or final addition to the returning officer, who shall forthwith in writing declare to be elected the candidate so certified as having the highest number of votes; such declaration shall be communicated to candidates in the same way as the prior declaration made under subsection three of section sixty-eight, and shall be deemed for all purposes to have been substituted therefor, whether it is the same as such prior declaration or different therefrom.

13. In case of an equality of votes the returning officer, notwithstanding that he may have already voted pursuant to subsection four of section sixty-eight of this Act, shall have and shall cast another or deciding vote.

Costs.

14. If the recount or final addition does not so alter the result of the poll as to affect the return, the judge shall

(a) order the costs of the candidate appearing to be elected to be paid by the applicant;

To be taxed.

(b) tax such costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the court in which the judge ordinarily presides.

Disposal of  
deposit;  
action for  
balance.

15. The moneys deposited as security for costs shall, so far as necessary, be paid out of the candidate in whose favour costs are awarded and if the deposit is insufficient the party in whose favour the costs are awarded shall have his action for the balance. 1920, c. 46, s. 70; 1921, c. 29, s. 15; 1925, c. 42, s. 28.

### *Procedure if the Judge Fails to Comply.*

Failure of  
judge  
to act.

72. Except in the Yukon Territory, in case of any omission, neglect or refusal of the judge to comply with the foregoing provisions in respect to the recount or final addition, or to proceed therewith, any party aggrieved may, within eight days thereafter, make application.

Remedy.

(a) in the province of Ontario, to a judge of the High Court division of the Supreme Court;

(b) in the provinces of Quebec, Manitoba or Saskatchewan, to a judge of the Court of King's Bench;

(c) in the provinces of Nova Scotia, New Brunswick, Prince Edward Island, British Columbia, or Alberta, to a judge of the Supreme Court of the province.

Application  
upon  
affidavit.

2. Such application may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the facts relating to such omission, refusal or neglect.



3. The judge to which the application is made shall, if it appears that there is such omission, refusal or neglect, make an order appointing a time, within eight days, and a place for the consideration of such application, and directing the attendance of all parties interested at such time and place, and giving such directions for the service of the order and of the affidavit or affidavits upon which the order was granted, upon the judge so alleged to be in default, and upon the other parties interested, as he thinks proper.

Order of judge.

4. If the circumstances appear to the judge to warrant it, he may direct that service upon any such parties may be substitut-  
tional, or by mail or by posting, or in any other manner.

Service of notice

5. The judge complained of, or any of the parties interested, may file in the office of the clerk, registrar or prothonotary of the court of the judge to whom the application is made affidavits in reply to those filed by the applicant, and, upon demand, shall furnish the applicant with copies thereof.

Affidavits may be filed.

6. At the time and place appointed by the judge or at any other time and place to which the hearing may be adjourned, after hearing the parties, or such of them as are present, or their counsel, the judge or some other judge of the same court shall make such order as the facts of the case in the opinion of the judge warrant, either dismissing the application or commanding the judge in default to take such action as is necessary in order to have or obtain a compliance with the requirements of this Act in respect of the recount or final addition of votes and to proceed with and complete such recount or final addition and the judge may make such order as to costs as he thinks proper.

Order of court after hearing.

Costs.

7. A judge so found to be in default as aforesaid shall forth-  
with carry out the directions of any order so made; and there shall be the same remedies for the recovery of the costs awarded by such order as for costs in ordinary cases in the court to which the judge making such directions or order belongs. 1920, c. 46, s. 71.

Judge to obey order.

### *Election Return*

73. The returning officer, immediately after the sixth day next following that upon which he has made final addition of or ascertained the number of votes given for each candidate, unless before that time he shall have received notice that he is required to attend before a judge for the purposes of a recount or final addition by such judge of the votes given at the election, and, where there has been a recount or final addition by the judge, immediately thereafter, shall transmit by registered post to the Chief Electoral Officer.

Return of candidate elected.

(a) the election writ with his return in Form No. 48 that the candidate having the largest number of votes has been duly elected;

Form of return.

(b) a report of his proceedings, which report shall contain such observations as he may think proper as to the state of the ballot boxes and the election papers as these were received by him from deputy returning officers;

Report by returning officer.

(c) the official stamp and all the ballot papers, including those unused, the original statements of the several deputy return-  
ing officers, together with the lists of voters and the poll

Certain documents to be sent with return.

books used in the several polling divisions, and all other books, lists, and documents used or furnished for the election, or which have been transmitted to him by the deputy returning officers;

**Lists.** (d) the lists of voters furnished to him by the different rural registrars in compliance with the provisions of Rule (5) of Schedule B to section thirty-two of this Act.

**Return not to be made until certificate of judge received.** 2. In case of such receipt of notice of recount or final addition the returning officer shall delay transmission of such return and report until he shall have received from the judge a certificate of the result of such recount or final addition, whereupon he shall transmit the same in manner hereinbefore directed.

**Duplicate of return to each candidate.** 3. The returning officer shall forward to each of the candidates a duplicate or copy of the return made by him.

**If return is irregular.** 4. In the event of the returning officer making a return and report to the Chief Electoral Officer not complying with the immediately preceding provisions, or making a return and report pending an application before a judge or court for an order commanding the judge to comply with the foregoing provisions for a recount or final addition, the Chief Electoral Officer shall, on presentation of an order of a judge or court having jurisdiction in respect of such application, return the said report and return, together with all election papers, to the returning officer.

**Notice of return in Canada Gazette.** 5. The Chief Electoral Officer shall, on receiving the return of any member elected to serve in the House of Commons, enter it, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately give notice in an ordinary or special issue of the *Canada Gazette* of the name of the candidate so elected and in the order in which it was received, and shall also forward to the Auditor General a certified statement of the number of votes cast for each candidate and when the Auditor General has satisfied himself that pursuant to subsection twelve of section forty of this Act a candidate is entitled to the return of his deposit the Auditor General shall return it accordingly.

**Statement to Auditor General.** 6. The Chief Electoral Officer shall, immediately after each general election, cause to be printed a report giving, by polling subdivisions, the number of votes polled for each candidate, the number of rejected ballots, the number of names on the list of voters, together with any other information that he may deem fit to include; and shall also, at the end of each year, cause to be printed a similar report on the by-elections held during the year. 1920, c. 46, s. 72; 1921, c. 29, s. 16.

**Return of deposit.** 74. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election, shall forfeit to the person aggrieved the sum of five hundred dollars and costs in addition to all damages sustained. 1920, c. 46, s. 73.

**Reports by Chief Electoral Officer.**

**Penalty for delay, neglect or refusal of returning officer to return elected candidate.**

75. The Chief Electoral Officer shall, after each election, make a report to the Speaker of the House of Commons, suggesting what, if any, amendments are in his opinion desirable for the more convenient administration of the law, and each candidate and the agent of each candidate shall have the right to send written statements to the Chief Electoral Officer suggesting such changes and improvements in the law as to such person may seem desirable, and to make written complaint of the conduct of any officer employed in such election.

Report to Speaker by Chief Electoral Officer of suggestion regarding working of law.

2. Any such statements and complaints shall be transmitted by the Chief Electoral Officer to the said Speaker, and they shall, together with the report of the Chief Electoral Officer, be forthwith submitted by the said Speaker to the House of Commons if Parliament is then sitting, and if not, within fifteen days after the opening of the next session of Parliament. 1920, c. 46, s. 74.

To be submitted to Parliament.

76. The Chief Electoral Officer shall, subject to the provisions of this Act, retain in his possession the election papers transmitted to him by any returning officer, with the return, for at least one year, if the election is not contested during that time, and, if the election is contested, then for one year after the termination of such contestation.

Chief Electoral Officer to retain papers, etc.

2. All instructions issued by the Chief Electoral Officer pursuant to the provisions of this Act, all decisions or rulings by him upon points arising thereunder, and all correspondence with and reports by election officers or others in relation to any election shall be public records, and may be inspected by any person upon request during business hours.

Inspection of election documents.

3. Any person may take extracts therefrom and shall be entitled to certified copies of the papers relating to any subject upon payment for the preparation of such certified copies at the rate of ten cents per folio of one hundred words.

Extracts.

4. Any such copies purporting to be certified by the Chief Electoral Officer under his hand shall be receivable in evidence without further proof thereof.

Evidence.

5. No other documents relating to any election in the custody of the Chief Electoral Officer shall be inspected or produced except under a rule or order of a Superior Court or a judge thereof which, if and when made, the Chief Electoral Officer shall obey.

Other documents.

6. Such rule or order may be granted by such court or judge on being satisfied by evidence on oath that the inspection or production of such election papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to election papers, or for the purpose of a petition which has been filed questioning an election or return.

Order of court.

7. Any such rule or order for the inspection or production of election papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court or judge thinks expedient. 1920, c. 46, s. 75; 1925, c. 42, s. 29.

Conditions of inspection.

#### *Fees and Expenses of Election Officers.*

77. Upon the recommendation of the Chief Electoral Officer, the Governor in Council may make a tariff of fees, costs, allowances and expenses to be paid and allowed to returning officers

Tariff of fees and expenses.



and other persons employed at or with respect to elections under this Act, and may, from time to time, revise and amend such tariff.

Copy to  
House of  
Commons.

2. A copy of any such tariff and of any amendment thereof shall be laid before the House of Commons within the first fifteen days of the next ensuing session of Parliament.

Payment of  
fees.

3. Such fees, allowances and disbursements shall be paid by warrant of the Governor General and shall be distributed by such person or persons as the Governor in Council may direct to the several officers and persons entitled thereto under the provisions of this Act, which distribution the person or persons so distributing shall report to the Governor General through the Secretary of State.

Certificate  
of returning  
officer.

4. The returning officer shall certify the correctness of the accounts of his deputy returning officers and of the registrars.

Fees, etc.,  
may be  
increased  
by  
Governor in  
Council.

5. Whenever it shall appear to the Governor in Council that the fees and allowances provided for by the tariff are not sufficient remuneration for the services required to be performed at any election, or that any claim for any necessary service performed, or for materials supplied for or at an election is not covered by such tariff, he may authorize the payment of such sum or additional sum for such services or materials supplied as is considered just and reasonable. 1920, c. 46, s. 76.

How  
disagree-  
ments as to  
taxation  
of expenses  
settled.

78. The Auditor General shall, in accordance with this Act, tax and pay all election expense accounts; and any disagreement between the Auditor General and any claimant shall be referred to the Chief Electoral Officer and he shall either confirm the action of the Auditor General, or if he disagrees, then, if the question involves only the legal right of a person claiming payment to be paid at all, it shall be referred to and be finally resolved by the Treasury Board; or if the question involves only the fairness of the amount payable to any person with relation to the services or materials supplied, it shall be referred to and shall be finally resolved by the Secretary of State.

Rights  
saved.

2. Notwithstanding anything in this section contained, the rights, if any, of all claimants to compel payment or further payment by process of law shall remain unimpaired. 1920, c. 46, s. 77.

### *Election Expenses.*

Official  
agent.

79. Every candidate shall appoint an official agent, in this Act termed "the official agent," whose name and address shall be declared to the returning officer, in writing, by or on behalf of the candidate, on or before nomination day, and the returning officer shall forthwith give public notice of the name and address of the official agent so declared.

Case of  
death or legal  
incapacity  
of official  
agent.

2. In the event of the death or legal incapacity of any such agent, the candidate shall forthwith appoint another, making like declaration to the returning officer, who shall give like public notice.

Election  
officers  
ineligible  
as  
official  
agents.

3. No returning officer, deputy returning officer or registrar or the partner or clerk of either of them, shall be eligible to act as the official agent for any candidate in the management or conduct of his election, and if any such officer shall so act he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

4. Subject to the subsequent provisions of this section, no payment and no advance or deposit shall be made before, during or after an election by a candidate or by any agent on behalf of a candidate or by any other person, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the official agent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as contribution, gift, loan, advance, deposit or otherwise, shall be paid to the official agent and not otherwise: Provided that this subsection shall not be deemed to apply to payment

No payment to be made except through official agent.

(a) by a candidate, out of his own money for his personal expenses to an aggregate amount not exceeding five hundred dollars; or

Exceptions.

(b) by any person, out of his own money, for any small expense legally incurred by him, if no part of the sum so paid is repaid to him.

5. Every person who makes any payment, advance or deposit in contravention of the immediately preceding subsection, or pays in contravention thereof any money so provided as aforesaid is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty for contravention.

6. A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate unless made by the candidate himself or by his official agent or by a sub-agent of the official agent thereto authorized in writing: Provided that inability to enforce such contract against the candidate shall not relieve him from the consequences of any corrupt or illegal practice having been committed by his agent.

No action against candidate unless payment made by himself or official agent.

Proviso.

7. Every payment made by or through an official agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than ten dollars, be vouched for by a bill stating the particulars and by a receipt.

Bill of particulars.

8. All persons who have any bills, charges or claims upon any candidate for or in relation to any election shall send in such bills, charges or claims within one month after the day on which the candidate returned has been declared elected, to the official agent of the candidate, or, if such agent is dead or legally incapable, to the candidate in person; otherwise such persons shall be barred of the right to recover such claims or any part thereof.

Claims to be sent in within one month, or rights to be barred.

If no agent.

9. Subject to such exception as may be allowed in pursuance of this Act, an official agent who pays a claim in contravention of this enactment is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty for illegal payment.

10. In the event of the death, within such month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in the bill, charge or claim within one month after his obtaining probate

Death of claimant.

or letters of administration, or of his becoming otherwise able to act as legal representative; otherwise the right to recover such bill, charge or claim shall be barred as aforesaid.

Payment  
within  
fifty days.

Penalty for  
contraven-  
tion.

Payment  
of lawful  
claims sent  
in after time  
prescribed.

Election not  
void in con-  
sequence of  
illegal  
payment.

Action for  
recovery in  
claims  
deemed  
disputed.

Payment in  
pursuance  
of  
judgment  
deemed  
exception.

Candidate's  
expenses up  
to \$500.

Written  
statement  
of personal  
expenses.

Petty  
expenses.

11. All expenses incurred by or on behalf of a candidate on account of or in respect of the conduct or management of an election shall be paid within fifty days after the day on which the candidate returned was declared elected, and not otherwise; and, subject to such exception as may be allowed in pursuance of this Act, an official agent who makes a payment in contravention of this provision is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

12. Notwithstanding anything in this section contained, cause being at any time shown to the satisfaction of a judge competent to recount or make final addition of the votes given at the election, such judge, on application by the claimant, or by the candidate or his official agent, may by order give leave for the payment by a candidate through his official agent of a disputed claim or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although sent in to the candidate and not to the official agent.

13. Where an election court reports that it has been proved by a candidate that any payment made by an official agent in contravention of this section was made without the sanction or connivance of such candidate the election of such candidate shall not be void nor shall he be subject to any incapacity by reason only of such payment having been made in contravention of this section.

14. If the official agent in the case of any claim sent in to him within the time limited by this Act disputes it, or refuses or fails to pay it within the period of fifty days after the day on which the candidate returned was declared elected, the claim shall be deemed to be a disputed claim and the claimant may, if he thinks fit, bring an action to recover the same in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act requiring claims to be paid by the official agent.

15. The candidate may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding five hundred dollars, but any further personal expenses so incurred by him shall be paid by his official agent.

16. The candidate shall send to his official agent within the time limited by this Act for sending in claims a written statement of the amount of personal expenses paid by such candidate.

17. Any person may, if so authorized in writing by the official agent, pay any necessary expenses for stationery, postage, telegrams and other petty expenses to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the official agent.



18. A statement of the particulars of payments made by any person so authorized shall be sent to the official agent within the time limited by this Act for the sending in of claims and shall be vouched for by a bill containing the receipt of that person. 1920, c. 46, s. 78.

Statement  
of  
particulars  
and  
vouchers.

80. Within to months after the candidate returned has been declared elected, the official agent of every candidate shall transmit to the returning officer a true signed return substantially in the Form No. 49, in this Act referred to as a return respecting election expenses, containing detailed statements as respects that candidate of

Return of  
election  
expenses by  
official  
agent.

- (a) all payments made by the official agent, together with all the bills and receipts, which bills and receipts are in this Act included in the expression "return respecting election expenses";
- (b) the amount of personal expenses, if any, paid by the candidate;
- (c) the disputed claims, so far as the official agent is aware;
- (d) the unpaid claims, if any, in respect of which application has been or is about to be made pursuant to section seventy-nine, subsection fourteen, so far as the official agent is aware;
- (e) all money, securities and equivalent of money received by or promised to the official agent from the candidate or any other person, for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct of management of the election, naming every person from whom the same may have been received or by whom such promise was made, showing as to each sum whether it was received or merely promised, whether in money or otherwise and whether as contribution, loan, advance, deposit or otherwise.

2. The return so transmitted shall include all bills and vouchers relative thereto and be accompanied by a declaration made by the official agent before a notary public or a justice of the peace in the Form No. 50, which declaration is in this Act referred to as a declaration respecting election expenses.

Vouchers,  
and  
declara-  
tion in  
form 50.

3. At the same time that the official agent transmits the said return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the returning officer a declaration made by the candidate before a notary public or a justice of the peace in the Form No. 51 or in the Form No. 52, which declaration is in this Act referred to as a declaration respecting election expenses.

Candidate's  
declaration  
in form 51  
or 52.

4. Whenever by reason of the death of a creditor no bill has been sent in within such period of two months, the official agent shall, within one month after such bill has been sent in, and likewise with respect to all payments approved by a judge pursuant to section seventy-nine, subsection twelve, of which the official agent is aware shall, within one week after such approval, as fully as possible comply with the provisions of this section by means of a supplementary return.

Supple-  
mentary  
return  
in case of  
death of  
creditor.

Publication  
of summary  
by  
returning  
officer.

5. The returning officer, within ten days after he receives from the official agent any return of supplementary return respecting election expenses, shall publish at the expense of the candidate a summary thereof with the signature of the official agent thereto in one and the same newspaper published or circulated in the electoral district wherein the election was held.

Bills, etc.,  
to be  
preserved.

6. The returning officer shall preserve all such returns and declarations with the bills and vouchers relating thereto and at all reasonable times during six months next after they have been delivered to him shall permit any elector to inspect them and to make extracts therefrom on payment of a fee of twenty cents; and after the expiration of such six months' period the documents may be destroyed, or, if after six months and before destruction the candidate or his official agent applies for their return, they shall be returned to the candidate.

After six  
months  
to be  
destroyed  
or  
returned.

Penalty for  
member  
sitting in  
contraven-  
tion.

7. If the said return and declarations are not transmitted before the expiration of the time limited for the purpose, the candidate shall not after the expiration of such time, sit or vote in the House of Commons as member until either such return and declarations have been transmitted or until the date of the allowance of such an authorized excuse for the failure to transmit the same, as in this Act mentioned, and if he sits or votes in contravention of this enactment he shall forfeit five hundred dollars with costs for every day on which he so sits or votes to any person who sues therefor.

Default  
in  
delivering  
statements.

8. If without such authorized excuse as in this Act mentioned a candidate or an official agent fails to comply with the foregoing requirements of this section, he is guilty of an illegal practice and of an offence against this Act, punishable on summary conviction as in this Act provided.

Furnishing  
false  
statements.

9. If any candidate or official agent knowingly makes a false declaration respecting election expenses he is guilty of a corrupt practice and of an indictable offence against this Act punishable as in this Act provided.

When  
candidate  
out of  
Canada at  
time of  
return.

10. Where a candidate is out of Canada at the time when the return is so transmitted to the returning officer, the declaration required by this section may be made by him within fourteen days after his return to Canada, and in that case shall be forthwith transmitted to the returning officer; but the delay hereby authorized in making such declaration shall not exonerate the official agent from complying with the provisions of this Act as to the return and declaration respecting election expenses.

Agent not  
exonerated.

Statement  
of  
payments  
in  
pursuance  
of leave and  
copy of  
judge's  
order.

11. Where after the date at which the return respecting election expenses is transmitted leave is given pursuant to section seventy-nine, subsection fourteen, for any claims to be paid, the agent shall, within seven days after the payment thereof, transmit to the returning officer a return of the sums paid in pursuance of such leave, accompanied by a copy of the order of the judge giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section.

When  
return  
and  
declaration  
not  
transmitted.

12. Where the return and declarations respecting election expenses of a candidate at an election have not been transmitted as required by this Act, or, being transmitted, contain some error or false statement, then,

(a) if the candidate applied to a judge competent to recount or make final addition of the votes given at the election and shows that the failure to transmit such return and declarations or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness or misconduct of his official agent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or

If on account of candidate's illness, etc.

(b) if the official agent of the candidate applies to the said judge and shows that the failure to transmit the return and declarations which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior official agent of the candidate, or of the absence, death, illness or misconduct of any clerk or officer of an official agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant;

Or agent's illness, etc.

the judge may, after such notice of the application in the electoral district and on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise as to the judge seems fit, make such order for allowing an authorized excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration as to the judge seems just.

Judge may allow authorized excuse.

13. Where it appears to the judge that any person being or having been an official agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his official agent respectively to comply with the provisions of this Act as to the return and declaration respecting election expenses, the judge before making an order allowing the excuse as in this section mentioned shall order such person to attend before him, and on such person's attendance shall, unless such person shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the judge seems just, and to make or deliver the same within such time and to such person and in such manner as the judge may direct, or may order such person to be examined with respect to such particulars, and if the person so ordered does not comply with such order he is guilty of an indictable offence against this Act punishable as in this Act provided.

Or may order official agent to appear, and make return and declaration, or order examination of official agent.

14. The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the judge seems best calculated for carrying into effect the objects of this Act; and an order allowing an authorized excuse shall relieve the applicant for the order from any liability or consequence under this or any other Act in respect of the matter excused by the order; and where it is proved by the candidate to the judge that any act or omission of the official agent in relation to the return and declaration

When order conditional relief of applicant or of candidate.



respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the judge shall relieve the candidate from the consequences of such act or omission on the part of his official agent.

Date of  
order  
deemed  
date of  
allowance.

15. The date of the order or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them, shall for the purposes of this section be deemed the date of the allowance of the excuse. 1920, c. 46, s. 79.

*Bribery, Treating, Undue Influence and Personation*

81. Every person is guilty of the corrupt practice of bribery and of an indictable offence against this Act punishable as in this Act provided, who

Giving  
money, etc.,  
to procure  
votes.

(a) directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises or promises to procure or to endeavour to procure, any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for, any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of such voter having voted or refrained from voting at any election; or

Giving or  
promising  
employ-  
ment.

(b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises or promises to procure or to endeavour to procure, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid, on account of any voter having voted or refrained from voting at any election; or

Gift or  
promise in  
order to  
obtain  
return  
of any  
person.

(c) directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election; or

Procuring  
return in  
consequence.

(d) upon or in consequence of any such gift, loan, offer promise, procurement or agreement, procures or engages or promises or endeavours to procure the return of any person to serve in the House of Commons, or the vote of any voter at an election; or

Advancing  
money to be  
used in  
bribery.

(e) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; or

Demanding  
bribe of  
candidate  
or agent.

(f) directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for his having voted or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted

or agreed to assist any candidate at an election, applies to such candidate, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment, or for the promise of any office, place or employment; or

(g) before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; or

Receiving money, etc., before or during an election.

(h) after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of such or any other person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election; or

Or after an election.

(i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate or to withdraw, if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure, or offers or promises to procure, or to endeavour to procure any office, place or employment, for such person:

Bribery of candidates.

Provided always that the terms of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any expenses legally payable and *bona fide* incurred at or concerning any election, and provided that the actual personal expenses of any candidate and his expenses for professional services actually performed and for the fair cost of printing and advertising and for halls or rooms for the holding of meetings shall be held to be expenses legally payable. 1920, c. 46, s. 80.

Provido as to legal expenses.

**82.** Every person is guilty of the corrupt practice of treating and of an indictable offence against this Act punishable as in this Act provided, who, corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision, or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, refreshment or provision or any such money or ticket, or who adopts such other means or device to enable the procuring of such meat, drink, refreshment or provision is guilty likewise. 1920, c. 46, s. 81.

Treating of any person.

Treating of voter during election.

Undue  
influence.

**83.** Every person is guilty of the corrupt practice of undue influence and of an indictable offence against this Act punishable as in this Act provided who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens the infliction, by himself, or by or through any other person, of any temporal or spiritual injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote for any candidate, or to refrain from voting, or on account of such person having voted for any candidate or refrained from voting at any election or who, by abduction, duress, or any false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any elector, or thereby compels, or induces or prevails upon any elector either to vote for any candidate or to refrain from voting at any election.

False  
pretense in-  
terpreted.

2. It shall be deemed a false pretence within the meaning of this section to represent to an elector, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. 1920, c. 46, s. 82.

Personation  
and sub-  
ornation  
of  
personation.

**84.** Every person is guilty of the corrupt practice of personation, and of an indictable offence against this Act punishable as in this Act provided, who at an election

- (a) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person; or
  - (b) having voted once at such election, applies at the same election for a ballot paper in his own name; or
  - (c) aids, abets, counsels, procures or endeavours to procure the commission by any person of personation as now defined.
- 1920, c. 46, s. 83.

Penalty  
for voting  
if dis-  
qualified,  
not  
qualified,  
or incom-  
petent.

**85.** Every one is guilty of a corrupt practice and of an indictable offence against this Act punishable as in this Act provided who, at an election, votes or attempts to vote knowing that he is for any reason disqualified, non-qualified or incompetent to vote thereat. 1921, c. 29, s. 17.

#### *Penalties and Procedure.*

Procedure.

**86.** Any indictable offence against this Act may be prosecuted alternatively, on indictment or by way of summary conviction.

Fines and  
other  
penalties  
for in-  
dictable  
offences.

2. Any person who is guilty of any indictable offence against this Act is liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution or to imprisonment for a term not exceeding two years, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to imprisonment with or without hard labour for such term or such further term, as such fine and costs or either of them remain unpaid, not exceeding three months. 1920, c. 46, s. 84.



**87.** Any person, who is guilty of any non-indictable offence against this Act which is punishable on summary conviction, is liable to a fine not exceeding five hundred dollars and costs of prosecution or to imprisonment for a term not exceeding one year, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to imprisonment with or without hard labour, for such term, or further term, as such fine and costs or either of them may remain unpaid, not exceeding three months. 1920, c. 46, s. 85.

Fines, etc.  
for non-  
indictable  
offences.

**88.** Any person who during an election commits a corrupt practice or an illegal practice shall *ipso facto* become disqualified from voting and incompetent to vote at such election; and he shall also in addition to any other punishment for such offence by this or any other Act prescribed, forfeit to any person who in any competent court shall therefor sue,

Disqualifi-  
cation for  
corrupt act.

- (a) for every corrupt practice committed the sum of two hundred dollars and costs; and
- (b) for every illegal practice committed the sum of one hundred dollars and costs. 1920, c. 46, s. 86.

Additional  
penalties.

**89.** Any person, who

Corrupt  
or illegal  
practices.

- (a) in any report made to the Speaker on an election petition, is named as having committed any corrupt or illegal practice, is reported to have been heard on his own behalf and is declared to be a person who should be expressly disqualified as hereinafter provided;
- (b) is before any competent court convicted of having committed at an election any offence which is a corrupt practice or illegal practice, or ordered to pay any sum forfeited because of the commission of any corrupt practice or illegal practice; or
- (c) is, in any proceeding in which after notice of the charge he has had an opportunity of being heard, found guilty of any corrupt practice or of any illegal practice, or of any offence which is a corrupt practice or illegal practice;

shall, in addition to any other punishment for such offence by this or any other Act prescribed be, for a corrupt practice during the seven years or for an illegal practice during the five years, next after the date of his being so reported, convicted, ordered, or found guilty, incapable of being elected to or of sitting in the House of Commons or of voting at any election of a member of that House or of holding any office in the nomination of the Crown or of the Governor General in Canada. 1920, c. 46, s. 87; 1925, c. 42, s. 30.

Five years'  
disqualifi-  
cation.

**90.** No candidate shall on the trial of any election petition be reported by the trial judges to the Speaker as one who has committed any corrupt practice or any illegal practice, or before any court be convicted of having committed at an election any offence which is a corrupt practice or an illegal practice or be ordered to pay any sum as forfeited because of the commission of any corrupt practice, or illegal practice, or in any other proceeding be found guilty of any corrupt practice or illegal practice or of

Candidate  
not  
convicted  
unless  
corrupt  
practice  
done by  
himself,  
agent, or  
with his  
knowledge.

any offence which is a corrupt practice or an illegal practice, unless the thing omitted or done the omission or doing of which constitutes the corrupt practice or illegal practice was omitted or done by

- (a) the candidate in person;
- (b) his official agent; or
- (c) some other agent of the candidate with the candidate's actual knowledge and consent:

Proviso.

Provided that nothing in this section shall prevent the avoidance pursuant to the provisions of the Dominion Controverted Elections Act, of any election in consequence of the commission of any corrupt practice or illegal practice. 1920, c. 46, s. 88.

Election not voided unless illegal practices by candidate, agent, etc.

**91.** No election shall on the trial of any election petition be voided because of any of the illegal practices referred to in sections four, thirteen, thirty, forty-three, fifty-nine or sixty-one of this Act unless the thing omitted or done the omission or doing of which constitutes the illegal practice was omitted or done by

- (a) the elected candidate in person;
- (b) his official agent; or
- (c) some other agent of such candidate with such candidate's actual knowledge and consent:

Provided that nothing in this section shall be deemed to impair or affect the provisions of the Dominion Controverted Elections Act. 1920, c. 46, s. 89.

Removal of disqualification procured by perjury.

**92.** If, at any time after a person has become disqualified under this Act, the witnesses, or any of them, on whose testimony such person has so become disqualified, are convicted of perjury with respect to such testimony, such person may move the court before which such conviction takes place to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall therefore cease and determine; and it shall cease and determine accordingly. 1920, c. 46, s. 90.

Secrecy of vote protected.

**93.** No person who has voted at an election shall in any legal proceeding questioning the election or return be required to state for whom he voted. 1920, c. 46, s. 91.

Recovery of penalties and forfeitures.

**94.** All penalties which are by this Act expressly made payable by way of forfeiture to any person aggrieved or to any person who sues therefor shall be recoverable or enforceable with full costs of suit by action of debt or information in any court of competent jurisdiction in the province in which the cause of action arises.

Imprisonment for non-payment.

**2.** In default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the county or district for any term less than two years, unless such penalty and costs are sooner paid.

Security for costs.

**3.** No action or information for the recovery of any such penalty by way of forfeiture shall be commenced unless the person suing therefor has given good and sufficient security, to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his defence, if the person suing is condemned to pay such costs.

4. It shall be sufficient for the plaintiff, in any action or suit under this Act, to allege in his pleading or declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence with respect to which the action or suit is brought, and that the defendant has acted contrary to this Act, without mentioning the writ of election or the return thereof.

Allegations  
in action.

5. In any such civil action, suit or proceeding, instituted under this Act, the parties thereto, and the husbands or wives of such parties respectively, shall be competent and compellable to give evidence to the same extent and subject to the same exceptions as in other civil suits in the same province; but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the person giving it.

Evidence  
of  
husbands  
and wives.

6. In any action, suit or proceeding instituted only for the recovery under this Act of a penalty imposed by way of forfeiture, if the right of any person (in this section referred to as "the voter") to vote, or to vote at any particular place, at an election, is questioned or involved, the burden of proof of the voter being entitled to vote, or to vote at such particular place, shall be upon the voter or such other person as is the accused or defendant in such action, suit or proceeding, and not upon the person suing or instituting the proceeding. 1920, c. 46, s. 92.

Burden of  
proof of  
justification.

95. No person shall be excused from answering any question put to him in any action, suit or other proceeding, in any court, or before any judge, commissioner or other tribunal touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, except that no elector shall be obliged to state for whom he voted at any election: Provided that no answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal. 1920, c. 46, s. 93.

No  
privileged  
excuse  
from  
answering  
questions.

96. It shall not be necessary, on the trial of a suit or prosecution under this Act, to produce the writ of election or the return thereof, or the authority of the returning officer founded upon such writ of election, but general evidence of such facts shall be sufficient evidence.

Production  
of writ of  
election,  
etc., not  
required  
in suits.

2. If the original election papers are required on any such trial of any suit or prosecution, the clerk or registrar of the court having cognizance of the election petition may, at the instance of any of the parties thereto, notify the Chief Electoral Officer to produce them on the day fixed for the trial; and the said Chief Electoral Officer shall on or before the said day, deposit them with such clerk or registrar, taking his receipt therefor. 1920, c. 46, s. 94.

If notified  
Chief  
Electoral  
Officer  
to produce  
election  
papers, etc.



Criminal court may allow costs to prosecutor.

97. Any criminal court before which a prosecution is instituted for an offence against the provisions of this Act may order payment by the defendant to the prosecutor of such costs and expenses as appear to the court to have been reasonably incurred in and about the conduct of such prosecution.

Prior recognizance required.

2. The court shall not make such order unless the prosecutor before or upon the finding of the indictment or the granting of the information enters into a recognizance with two sufficient sureties, in the sum of five hundred dollars, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant his costs in case he is acquitted.

Costs in cases of private prosecution.

3. In case of an indictment or information by a private prosecutor for an offence against the provisions of this Act, if judgment is given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, which costs shall be taxed by the proper officer of the court in which the judgment is given. 1920, c. 46, s. 95.

In a suit for criminal corrupt practice, what allegation sufficient.

98. In an indictment or prosecution for a corrupt practice or an illegal practice and in any action or proceeding for a penalty or by way of forfeiture for a corrupt practice, or an illegal practice, it shall be sufficient to allege that the defendant was, at the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice or an illegal practice, describing it by the name given to it by this Act, or otherwise, as the case requires.

Evidence.

2. In any criminal or civil proceeding in relation to such offence the certificate of the returning officer shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat. 1920, c. 46, s. 96.

Person liable summoned to court.

99. Whenever it appears to the court or judge trying an election petition that any person has violated any of the provisions of this Act, for which violation such person is liable to a fine or penalty other than the fines or penalties imposed for any offence amounting to an indictable offence, such court or judge may order that such person may be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge.

Disobeying summons.

2. If, on the day so fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or penalty as he is liable to pay for such violation, and in default of paying such fine or penalty to the imprisonment prescribed in such case by this Act.

Trial.

3. If, on the day so fixed, the person summoned does appear, the court or judge, after hearing such person and such evidence as is adduced, shall give such judgment as to law and justice appertains.

Appropriation of fines.

4. All fines and penalties recovered under the three next preceding subsections shall belong to His Majesty for the public uses of Canada, but no fine or penalty shall be imposed there-

under if it appears to the court or judge that the person has already been sued to judgment or acquitted with respect to the same offence, nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it. 1920, c. 46, s. 97.

**100.** Notwithstanding anything in the Criminal Code, every prosecution for an offence against this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to any person aggrieved or to any person suing therefor shall, when commenced, be proceeded with and carried on without wilful delay, and shall be commenced within the space of one year next after the day when the offence was committed or when such action, suit or proceeding might first have been brought or taken, and not afterwards, unless the prosecution, action, suit or proceeding is prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court, in which case such prosecution, action, suit or proceeding may be commenced within one year after his return, or in case of a charge against a returning officer pursuant to section seventy-four for wilful delay, neglect or refusal to return a candidate as elected, in which case such prosecution, suit or proceeding shall be commenced within six months after the conclusion of the trial of the petition relating to such election. 1920, c. 46, s. 98.

Limitation of time for prosecutions and suits.

Delay, neglect or refusal of returning officer to return elected candidate.

**101.** Notwithstanding anything in the Criminal Code, no indictment for an offence which is a corrupt practice or an illegal practice shall be tried before any court of quarter sessions or general sessions of the peace. 1920, c. 46, s. 99.

Quarter or general sessions court incompetent.

### *Advance Polls for Railway Employees, Sailors and Commercial Travellers.*

**102.** Every railway employee, sailor and commercial traveller, being an elector whose name appears on the list of voters of a polling division within which any place mentioned in Schedule Two is wholly or partly contained, and whose employment or calling is such as to necessitate from time to time his absence from his ordinary place of residence, and who has reason to believe that, because of necessary absence from such place of residence in the pursuit of his employment or calling, he will be unable to vote on polling day, may vote in advance of polling day as in this section provided.

Advance voting by railway employees, sailors, etc.

2. For the purpose of enabling such electors to vote, the returning officer in every electoral district wherein any place mentioned in Schedule Two is wholly or partly contained, shall establish within such place as many special polling stations as may be necessary, numbering them in order and terming them, as in this section they are hereafter termed, "Advance Polls."

Establishment of "Advance Polls."

3. Every such polling station shall be located so as to suit the convenience of that class of voters which, in the judgment of the returning officer, is most likely to resort in any considerable number thereto.

Amendment  
of Schedule  
by Chief  
Electoral  
Officer.

4. The Chief Electoral Officer may from time to time amend such schedule by striking therefrom the name of any place or by adding thereto the name of any other place, and, so amended, such schedule shall have effect as if incorporated into this Act; but he shall amend under the following circumstances only:—

(a) If a total of less than fifteen votes is polled at the advance polls held within any such place at the election which immediately preceded the amendment, he may strike off the name of that place; or

(b) If he is advised and believes that a total of fifteen votes will be polled at any place in the case an advance poll is established there, he may add the name of that place.

Notice in  
*Canada  
Gazette*.

5. The Chief Electoral Officer shall give notice, under his hand published in the *Canada Gazette* of all amendments made to such schedule, and he shall, at every election, furnish to every returning officer a copy of such schedule as it then stands amended.

Sixty  
days  
limit for  
amendment  
to be in  
force.

6. In case the date of the writ for an election falls within sixty days after notice so given of any such amendment that amendment shall not be in force nor have any effect at such election.

Advance  
polls con-  
ducted as  
ordinary  
polls.

7. Except as in this section provided all advance polls shall be held, conducted and officered in the same manner as, and for all purposes of this Act be regarded as ordinary polling stations.

When  
polls to  
be open.

8. Advance polls shall be open, and shall only be open, between the hours of seven and ten o'clock in the afternoon of the three days, exclusive of Sunday, immediately preceding polling day.

Notice in  
form 53.

9. The returning officer shall, not later than seven days before polling day, give public notice within the place where an advance poll is to be held, of the poll and of the location of the polling station, and such notice may be in Form No. 53.

Conditions  
for voting  
at advance  
polls.

10. A person applying to vote at an advance poll shall be permitted to do so only after compliance with the following in addition to all other applicable provisions of this Act:—

Voting  
at advance  
polls.

(a) He shall produce and deposit with the deputy returning officer a certificate of his right to vote in Form No. 54 issued as hereinafter provided and countersigned by himself in the presence of the officer by whom the same is issued;

Form 54.

(b) He shall, in the presence of the deputy returning officer, sign the statement of identification appearing on Form No. 54;

Form 55.

(c) He shall make before the deputy returning officer a declaration in Form No. 55.

Issue of  
certificate  
*gratis* to  
applicant  
for vote at  
advance  
poll.

11. The registrar for any rural or the revising officer for any urban polling division within which any place mentioned in Schedule Two is wholly or partly contained shall, on application of an elector whose name appears on the list of voters of such polling division, issue *gratis* to such elector on that elector's attendance and request made in person, but not otherwise, a certificate in Form No. 54, and shall forthwith thereafter enter



in the "Remarks" column of his list of voters, opposite the name of such elector, the words "Advance Poll."

12. If, at the time of issue of such certificate, the registrar or revising officer has already delivered to the deputy returning officer the official list of voters, the registrar or revising officer shall issue such certificate in duplicate and forthwith deliver to the deputy returning officer one of such duplicates, whereupon the deputy returning officer shall make, opposite such name on the official list of voters, the like entry, which shall produce the like effect.

Form and conditions.

13. For the purposes of the election officers at ordinary polling stations, persons who have secured certificates in Form No. 54 shall be deemed to have already voted: Provided, however, that if an elector who has obtained a certificate in Form No. 54 is unable to vote at an advance poll he shall nevertheless be entitled to vote on polling day at the polling station at which his name appears upon the list of voters, and at no other polling station; but before so voting such elector shall surrender his certificate in Form No. 54 to the deputy returning officer who shall then and there cancel such certificate and the entry concerning the same on the official list of voters and such elector shall then be entitled to vote as if such certificate had never been issued.

14. In case of an election for which this Act does not require that registrars or revising officers be appointed either at all or for any specific polling division, the duties performable by registrars and revising officers pursuant to this section shall be performed by the returning officer or by his election clerk, who may vary any prescribed form to fit the circumstances.

When returning officer or clerk may act.

15. Revising officers and registrars authorized to issue certificates to vote at advance polls shall attend for that purpose at such times and places as may be directed by the Chief Electoral Officer, who may specify what public notice if any, is to be given by such registrar or revising officer that he will so attend.

Attendance of officers and notice of time and place.

16. There shall be no list of electors nor poll book supplied to or kept at an advance poll, but the poll clerk thereat shall assist the deputy returning officer as required, preserving each certificate deposited and marking thereon such notations as, if there were a poll book, he would be required by this Act to mark opposite the voter's name in the poll book.

No list or poll book kept, but notations to be made.

17. An elector who is by this section authorized to vote at an advance poll may vote at any advance poll within the electoral district whereof the person who has issued to such elector a certificate in Form No. 54 is a registrar or revising officer; but no deputy returning officer shall permit any person to vote at an advance poll upon any certificate in Form No. 54 issued by a registrar or revising officer of another electoral district.

Voting at any advance poll in same electoral district.

18. At the close of the poll each day, the deputy returning officer shall in the presence of such of the candidates or their agents or of the electors representing candidates as may be entitled to be present and are present,

Proceedings at close of poll each day.

(a) unseal and open the ballot box;

- (b) empty the ballots (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose;
- (c) seal such envelope;
- (d) count the unused ballots and the certificates in Form No. 54 which up to that time have been presented;
- (e) place the unused ballots and certificates in Form No. 54 in another envelope which shall be supplied for the purpose;
- (f) endorse thereon the number of such unused ballots and certificates in Form No. 54; and
- (g) seal up the said envelope.

Affix  
signatures  
and seals.

19. The deputy returning officer shall and such candidates and their agents or electors representing candidates as are present may affix their seals or signatures to both envelopes and the deputy returning officer shall then place both envelopes in the ballot box and lock the same and the deputy returning officer shall and every candidate or agent present who desires to do so may affix their respective seals and signatures to the ballot box in such manner that the box cannot be opened or anything deposited therein or removed therefrom without breaking such seals.

Reopening  
of poll.

20. At the reopening of the poll each day the ballot box shall be opened by the deputy returning officers in the presence of such of the candidates or their agents or of the electors representing candidates as may be entitled to be present and are present and the envelope containing the unused ballots shall be taken out and opened, the ballot box being immediately thereafter locked and kept locked except as herein otherwise provided.

Count of  
ballots  
daily at  
close of poll.

21. The deputy returning officer shall, at six o'clock in the afternoon of polling day, attend with his poll clerk at the polling station where the advance poll was held, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballots, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made as so required and be annexed to the certificates in Form No. 54 in this section referred to.

Provisions  
applicable  
to  
advance  
polls.

22. Subject to the provisions of this section, the provisions of this Act relating to polls shall in so far as applicable apply to Advance Polls.

Anyone  
who  
makes  
false  
statement,  
forges  
certificate,  
makes  
false  
declaration,

23. Any person who corruptly

- (a) for the purpose of obtaining from a registrar, revising officer or returning officer a certificate in Form No. 54, makes to such officer any false statement; or
- (b) forges or fabricates any such certificate, or any name thereon, or not being the person named therein, presents any such certificate to any deputy returning officer or poll clerk at any polling station; or

- (c) makes before any deputy returning officer a false declaration as to the cause or necessity of his voting at an advance poll; or
- (d) after having obtained from a registrar, revising officer or returning officer a certificate in Form No. 54 votes or attempts to vote at any other than an advance poll, except upon presentation on election day of such certificate as provided by this section; or
- (e) in any other manner contravenes any provision of this section;

attempts to vote at another poll, is guilty of an offence.

is guilty of an offence against this Act punishable on summary conviction as by this Act provided. 1920, c. 46, s. 100; 1921, c. 29, ss. 18, 19 and 20; 1925, c. 42, s. 31.

### *Canada Temperance Act Elections*

**103.** Whenever under the Canada Temperance Act a vote is to be taken, the procedure to be followed shall, in lieu of the procedure therein directed, be the procedure laid down in this Act with such modifications as the Chief Electoral Officer may direct as being necessary by reason of the difference in the nature of the question to be submitted, and with such omissions as he may specify on the ground that compliance with the procedure laid down is not required.

Act to apply in elections under Canada Temperance Act.

**2.** Any direction given by the Chief Electoral Officer for a modification of or omission from the procedure directed by this Act shall be published by him in the *Canada Gazette* at least four weeks before the day upon which the vote is to be taken. 1920, c. 46, s. 101.

Publication in *Canada Gazette*.

**104.** No amendment to this Act shall apply in any election for which the writ is issued within three months from the passing thereof unless before the issue of such writ the Chief Electoral Officer has published in the *Canada Gazette* a notice that the necessary preparations for the bringing into operation of such amendment have been made and that such amendment may come into force accordingly, and it shall be the duty of the Chief Electoral Officer forthwith after the passing of any amendment to consolidate such amendment, so far as necessary, in the copies of the Act or parts thereof printed for distribution to election officers to correct and reprint all forms and instructions affected thereby, and to publish a notice as aforesaid in the *Canada Gazette* as soon as copies of the Act and the forms and instructions have been so corrected and reprinted. 1921, s. 29, s. 21.

No amendment to apply to election for which writ is issued within three months, except after notice.

Consolidation of amendments.



## SCHEDULE ONE.

## FORMS.

## FORM No. 1.

## WRIT OF ELECTION (Sec. 20)

George V, by the Grace of God of Great Britain, Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith Emperor of India.

To (*Insert name, legal addition and residence of returning officer*).

## GREETINGS:

Whereas, by the advice of Our Privy Council for Canada, We have ordered a Parliament to be holden at Ottawa, on the day of next (*omit this preamble, except in the case of a general election*), We command you that notice of the time and place of election being duly given, you do cause election to be made according to law of a member (*or as the case may be*) to serve in the House of Commons of Canada, for the electoral district of in the province of (*except in case of a general election, insert here in the place of deceased, or otherwise, stating the cause of vacancy*) and that you do cause the nomination of candidates at such election to be held on the day of next, and if a poll become necessary that the same be held on the day of next, and do cause the name (*or names*) of such member or members when so elected, whether he is (*or they are*) present or absent, to be certified to our Chief Electoral Officer, as by law directed.

Witness, Our Right Trusty and Well-beloved, etc., Governor General (*or Administrator of the Government*) of our Dominion of Canada, at our city of Ottawa, the day of in the year of our Reign and in the year of our Lord 19 .

## Endorsement.

Received the within Writ on the day of 19 .

A. B.,

Returning Officer.

FORM No. 2.

OATH OF THE RETURNING OFFICER. (Sec. 22).

I, the undersigned, A. B., returning officer for the electoral district of \_\_\_\_\_, do swear (*or solemnly affirm*) that I am legally qualified according to law to act as returning officer for the said electoral district of \_\_\_\_\_, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

A. B.,  
Returning Officer.

*Certificate of Returning Officer having taken Oath of Office.*

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_, 19\_\_\_\_, A. B., the returning officer for the electoral district of \_\_\_\_\_, took and subscribed before me, the oath (*or affirmation*) of office, in such case required of a returning officer, by section 22 of the Dominion Elections Act.

In testimony whereof, I have delivered to him this certificate.

C. D.,  
Justice of the Peace,  
(*or as the case may be.*)

FORM No. 3.

APPOINTMENT OF AN ELECTION CLERK. (Sec. 22).

To E. F. (*Set forth his legal addition and residence.*)

Know you that, in my capacity of returning officer for the electoral district of \_\_\_\_\_, I do hereby appoint you to be my election clerk, to act in that capacity for the said electoral district.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ in the year 19\_\_\_\_.

A. B.,  
Returning Officer.

FORM No. 4

OATH OF THE ELECTION CLERK. (Sec. 22.)

I, the undersigned, E. F., appointed election clerk for the electoral district of \_\_\_\_\_, do swear (*or solemnly affirm*) that I will act faithfully in my said capacity as election clerk, and also in that of returning officer, if required to act as such, according to law, without partiality, fear, favour or affection. So help me God.

E. F.,  
Election Clerk.

*Election Instructions**Certificate of the Election Clerk having taken the Oath of Office*

I, the undersigned, hereby certify that, on the  
 day of \_\_\_\_\_ 19\_\_\_\_, E. F., election clerk  
 for the electoral district of \_\_\_\_\_, took and  
 subscribed before me the oath (or affirmation) of office required  
 in such case of an election clerk by section 22 of the *Dominion  
 Elections Act*.

In testimony whereof, I have delivered to him this certificate  
 under my hand.

C. D.,  
 Justice of the Peace,  
 or A. B.,  
 Returning Officer.

## FORM No. 5

## APPOINTMENT OF A REGISTRAR. (Sec. 32.)

To E. F. (*insert his legal addition and residence.*)

Know you that, in pursuance of authority given by section  
 32 of the *Dominion Elections Act*, the undersigned \_\_\_\_\_,  
 returning officer for  
 the electoral district of \_\_\_\_\_  
 does hereby appoint you to be registrar for the polling division  
 No. \_\_\_\_\_, of the said electoral district (*or as the  
 case may be*), to compile, revise and post up within said polling  
 division a list of persons qualified as electors within said polling  
 division (*or as the case may be*) in strict compliance with the  
 provisions of the *Dominion Elections Act* and to perform and  
 have all the duties and functions imposed upon or exercisable  
 by a registrar under that Act.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_,  
 in the year 19\_\_\_\_.

A. B.,  
 Returning Officer.

## FORM No. 6

## OATH OF REGISTRAR. (Sec. 32.)

I, the undersigned, I. J., appointed registrar for polling  
 division No. \_\_\_\_\_, (*or as the case may be*) of the electoral  
 district of \_\_\_\_\_

do solemnly swear (*or solemnly affirm*)  
 that I will act faithfully in my said capacity of registrar, with-  
 out partiality, fear, favour, or affection, and in every respect  
 according to law: So help me God.

I. J.



*Certificate of a Registrar having taken the Oath of Office*

I, the undersigned, hereby certify that on the  
 day of the month of \_\_\_\_\_, I. J.,  
 registrar for the polling division No. \_\_\_\_\_, (or as the case may  
 be), of the electoral district of \_\_\_\_\_  
 (or as the case may  
 be), took and subscribed the oath (or affirmation) of office,  
 required in such case of a registrar, by section 32 of the  
*Dominion Elections Act*.

In testimony whereof, I have delivered to him this certificate  
 under my hand.

C. D.,  
 Justice of the Peace,  
 or A. B.,  
 Returning Officer.

FORM NO. 7

APPOINTMENT OF A DEPUTY RETURNING OFFICER

(Sec. 25)

To (*Insert full name, occupation and residence.*)

Know you that I, in my capacity of Returning Officer for the  
 Electoral District of \_\_\_\_\_  
 hereby appoint you to be Deputy Returning Officer for the  
 Polling Division Number \_\_\_\_\_  
 of the said Electoral District, there to take the votes of the  
 electors by ballot according to law, at the Polling Station to  
 be by you opened and kept for that purpose; and you are  
 hereby authorized and required to open and hold the poll of  
 such election for the said Polling Division on the  
 \_\_\_\_\_ day of \_\_\_\_\_, at the hour  
 of 8 o'clock in the forenoon, at (*here describe particularly*  
*the place in which the poll is to be held*), and there to keep  
 the said poll open until 6 o'clock in the afternoon, and to  
 take at the said polling place, by ballot, in the manner by  
 law provided, the votes of the electors voting at the said polling  
 place, and after counting the votes given and performing the  
 other duties required of you by law, to return to me forthwith  
 the ballot box sealed with your seal, and inclosing the ballots,  
 envelopes, list of voters, poll book, and other documents required  
 by law, together with this commission.

Given under my hand, at  
 this \_\_\_\_\_ day of \_\_\_\_\_,  
 in the year 19 \_\_\_\_\_.

*Returning Officer.*

*Election Instructions*

## FORM No. 8.

## OATH OF DEPUTY RETURNING OFFICER. (Sec. 25).

I, the undersigned, G. H., appointed deputy returning officer for the polling division No. \_\_\_\_\_ of the electoral district of \_\_\_\_\_, swear (*or solemnly affirm*), that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favour or affection. So help me God.

G. H.,  
Deputy Returning Officer.

*Certificate of a Deputy Returning Officer having taken the Oath of Office.*

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_, G. H., deputy returning officer for the polling division No. \_\_\_\_\_ of the electoral district of \_\_\_\_\_, took and subscribed the oath (*or affirmation*) of office, required in such case of a deputy returning officer, by section 25 of the *Dominion Elections Act*.

In testimony whereof, I have delivered to him this certificate under my hand.

C. D.,  
Justice of the Peace,  
*or* A. B.,  
Returning Officer,  
(*or as the case may be.*)

## FORM No. 9.

## APPOINTMENT OF A POLL CLERK. (Sec. 26.)

To I. J., (*insert his legal addition and residence*).

Know you, that in my capacity of deputy returning officer for the polling division No. \_\_\_\_\_, of the electoral district of \_\_\_\_\_, I hereby appoint you to be poll clerk for the said polling division.

Given under my hand at \_\_\_\_\_, this  
day of \_\_\_\_\_, in the year 19 \_\_\_\_.

G. H.,  
Deputy Returning Officer.

FORM NO. 10

OATH OF POLL CLERK. (Sec. 26).

I, the undersigned, I. J., appointed poll clerk for the polling division No. \_\_\_\_\_, of the electoral district of \_\_\_\_\_ swear (*or solemnly affirm*) that I will act faithfully in my capacity of poll clerk, and also in that of deputy returning officer, if required to act as such, according to law, with partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling division No. \_\_\_\_\_ marks his ballot paper in my presence at this election. So help me God.

I. J.,  
Poll Clerk.

*Certificate of the Poll Clerk having taken the Oath.*

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_, I. J., poll clerk, for the polling division No. \_\_\_\_\_, of the electoral district of \_\_\_\_\_, took and subscribed before me the oath (*or affirmation*) of office required of a poll clerk in such cases by section 26 of the *Dominion Elections Act*.

In testimony whereof, I have delivered to him this certificate under my hand.

C. D.,  
Justice of the Peace  
*or* A. B., Returning Officer,  
*or* G. H., Deputy Returning Officer  
(*or as the case may be.*)

FORM NO. 11

LIST OF VOTERS. (Sec. 32).

Electoral District of \_\_\_\_\_  
Polling Division No. \_\_\_\_\_

No.	Name. Family name first.	Occupation or Addition.	Residence. Street and Number where possible.	Remarks.
1	Allen, John.....	Labourer.....	16 Elgin St.....	
2	Baker, Miss Mary...	(W) Clerk.....	12 Luke St.....	
3	Carter, Miss Jane....	(W) Spinster.....	Pine Road.....	
4	Dow, Mrs. Ann.....	(W) Married Woman...	Back Lots.....	
5	Dow, Mrs. Jane.....	(W) Widow of Peter.....	" .....	
6	Dow, John.....	Farmer.....	" .....	
7	Egan, William.....	Grocer.....	136 Sparks St....	



I certify that the foregoing is a correct list of the voters in  
 Polling Division No. (or as the case may be)  
 of the electoral district of , as revised  
 and corrected by me this day of  
 19 .

I. J.,  
 Registrar.

### FORM No. 12

#### NOTICE OF REGISTRATION OF VOTERS. (Sec. 32)

Electoral district of

Province of

Public notice is hereby given:

(1) That the undersigned has been appointed Registrar to prepare the List of Voters for polling division No. in the above-mentioned electoral district wholly or partly contained within the (*insert city, town or village*) of

(2) That the registration sittings will be held from the day of 19 , until the day of 19 , both inclusive, between the hours of nine o'clock in the forenoon and nine o'clock in the afternoon, with intermissions from one o'clock to two o'clock and from six o'clock to seven o'clock.

(3) That all persons who reside within the said polling division desiring and requiring to be registered as voters must apply personally at the place hereinafter stated, to wit:

(4) That on the (*insert the date of the third day after registration closes*) day of 19, I shall certify and post up the list prepared by me as provided in Rule 8 of Schedule A to Section 32.

Address of Registrar.

Registrar.

### FORM No. 13

#### INTERROGATORIES TO A PERSON APPLYING IN PERSON TO BE REGISTERED AS A VOTER. (Sec. 32.)

You swear (*or affirm*) that you will make true and full answer to all such questions as I shall now address to you. So help you God.

1. Where is your ordinary residence? (*Give street and number.*)
2. Have you, on application made by you or on your behalf been registered as a voter in any other polling division at this election?
3. Are you a British subject in Canada by birth or naturalization?

4. Are you of the full age of twenty-one years?
5. Have you ordinarily resided in Canada for the twelve months immediately before the \_\_\_\_\_ day of \_\_\_\_\_ 19 ? (*naming the date of the issue of the writ of election*).
6. At a general election: Were you ordinarily resident in this electoral district on the \_\_\_\_\_ day of \_\_\_\_\_ 19 ? (*naming the date two months before the issue of the writ of election*), or at a by-election: Have you ordinarily resided in this electoral district for the two months immediately before the said day of \_\_\_\_\_ 19 ? (*naming the date of the issue of the writ of election*.)
7. Are you within any of the classes of persons who lack qualification or are disqualified by reason of appointment as a judge, employment for pay or reward in reference to the election, place of birth, race, crime, mental incapacity, the receipt of public charitable support, or disfranchisement for corrupt or illegal practices?

*If all questions are answered satisfactorily or a certificate of refusal to register is desired, obtain particulars, as follows:*

8. What is your surname?
9. What are your other names in full?
10. What is your occupation?
11. What is your post office address?

FORM No. 14

CERTIFICATE OF REFUSAL TO REGISTER.. (Sec. 32.)

This is to certify that  
 ..... (name)  
 ..... (address)  
 ..... (occupation)  
 on this.....day of.....19...  
 applied to me for registration as a voter in polling division  
 No.....(*or as the case may be*) in the elec-  
 toral district of.....and that I refused his  
 application for the reason that, etc.

A. B.  
 Registrar.

## Election Instructions

## FORM No. 15

INTERROGATORIES TO A RELATIVE OR EMPLOYER APPLYING FOR THE  
REGISTRATION OF A RELATIVE OR EMPLOYEE  
(Sec. 32)

You swear (*or affirm*) that you will make true and full answer to all such questions as I shall now address to you. So help you God.

1. What is your name and address?
2. Are you a relative or the employer of the person whom you desire to register?
3. If a relative, what is the relationship, or if an employer, what is the business?
4. How long and how well have you known the person whom you desire to register?
5. What is the reason that the person whom you desire to have registered does not apply in person?
6. What is his (*or her*) ordinary residence? (*Give street and number*).
7. Has he on application made by him or on his behalf, been registered as a voter in any other polling division at this election?
8. Is he a British subject in Canada by birth or naturalization?
9. Is he of the full age of twenty-one years?
10. Has he ordinarily resided in Canada for the twelve months immediately before the  
day of 19 ? (*naming the date of the issue of the writ of election*).
11. At a general election: Was he ordinarily resident in this electoral district on the  
19 ? day of  
(*naming the date two months before the issue of the writ of election*), or at a by-election: Has he ordinarily resided in this electoral district for the two months immediately before the said  
day of 19 ?  
(*naming the date of the issue of the writ of election*).
12. Is he within any of the classes of persons who lack qualification or are disqualified by reason of appointment as a judge, employment for pay or reward in reference to the election, race, crime, mental incapacity, the receipt of public charitable support, or disfranchisement for corrupt or illegal practices?

*If all questions are answered satisfactorily or a certificate of refusal to register is desired, obtain particulars as follows :*

13. What is his surname?
14. What are his other names in full?
15. What is his occupation?
16. What is his post office address?



FORM NO. 16

AFFIDAVIT OF REGISTRAR. (Sec. 32)

Canada:

Province of.....

To wit:—

I,..... of the....  
.....of.....in the province  
of..... (occupation) make oath and say:—

- (1) That I am registrar under the *Dominion Elections Act* for polling division No. .... of the city (or town) of..... in the electoral district of.....
- (2) That as such registrar I have set down in the index book appended hereto for (*state the polling division*) according to the best of my knowledge, information and belief, the name of every person entitled to be entered thereon.
- (3) That I have not entered in the said index book the name of any person which I have any reason to know or believe ought not to be entered thereon.
- (4) That I have not intentionally omitted from the said index book the name of any person which I have any reason to know or believe ought to be entered thereon.

Signed.....  
Registrar.

Sworn before me this.....day of.....  
A.D.....at.....

(Signature).....  
Justice of the Peace,  
(or as the case may be).

FORM NO. 17

Form of Index Book to be used by the Registrar in compiling the list of voters for each Polling Division under his jurisdiction, in compliance with Section 32 of the *Dominion Elections Act*.

Form for First Page

Electoral District of

Polling Division No.....Comprising (*Giving the limits*).

Name. Family name first.	Occupation or Addition.	Residence. Street and Number where possible.	Remarks.

Form for second and subsequent pages.

Continuation of Polling Division No.....

Name. Family name first.	Occupation or Addition.	Residence. Street and Number where possible.	Remarks.

FORM No. 18.

AFFIDAVIT AS TO DISQUALIFICATION OF VOTER. (Sec. 32).

Electoral District of.....

I, (*name in full, family name last*), whose address is (*address as in list of voters*), and whose occupation is (*occupation as in list of voters*), make oath and say:

1. That I am the person described on the Dominion list of voters for Polling Division No. \_\_\_\_\_, in (*the city or town of*) \_\_\_\_\_ in the above electoral district, now in course of preparation for the pending Dominion election, and my address and occupation are set out above as stated in the said list.

2. That there appears on the Dominion list of voters in course of preparation for Polling Division No. \_\_\_\_\_, in the said city, town or place above described, or will appear thereon by a transfer from the provincial list of voters used as a basis for the preparation of the said list, the name of (*setting out name as in the list of voters*) whose address is given as (*address*), and whose occupation is stated as (*occupation*).

3. I know of no other address at which the said person is more likely to be reached than that so stated in the said list except (*give alternative or better address if one is known*).

4. That I have good reason to believe and do verily believe that the said name should not appear upon the said Dominion

list of voters for this electoral district because the person, if any, described by the said entry (*insert one of the grounds of disqualification as set out on the reverse of this sheet*).

Sworn before me.....	} ( <i>Signature of Deponent.</i> )
at.....	
in the province of.....	
this.....day of.....	
19 .....	

Registrar for Polling Divisions  
Nos.

*Grounds of Disqualification which may be set out in the Affidavit.*

1. Is dead.
2. Is not qualified because he or she has not attained the full age of twenty-one years.
3. Is not qualified because he or she is not a British subject by birth or naturalization.
4. Is not qualified because he or she has not resided in Canada during the twelve months immediately preceding the (*setting out date of writ of election*).
5. At a by-election: Is not qualified because he or she has not resided in the electoral district during the two months immediately preceding the (*setting out date of writ of election*), or at a general election: Is not qualified because he or she was not resident in this electoral district on the (*naming the day two months before the date of the writ of election*).
6. Is disqualified from voting because he or she is (*naming the class of disqualified persons to which the person objected to belongs, as e.g., an Indian resident on an Indian reservation; a judge appointed by the Government of Canada, or as the case may be. See secs. 29, 30 and 31 of the Dominion Elections Act*).
7. Has, to my knowledge, been included in the list prepared for this election for Polling Division No. , in which he or she resides.

FORM No. 19

NOTICE TO ELECTOR OBJECTED TO. (Sec. 32)

Electoral District of.....

To: (*Set out name, address and occupation of voter as in voters' list, adding name of city or town.*)

Take notice that an affidavit, of which a complete copy is sent herewith, has been made before me this day alleging that you are not entitled to vote at the pending Dominion election in this polling division for the reasons set out in the said affidavit.





FORM No. 21

PROCLAMATION. (Secs. 36, 37.)

Electoral district of \_\_\_\_\_ to wit:  
the province of \_\_\_\_\_

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to His Majesty's writ to me directed, and bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I require the presence of the said electors at (*describe the place where the nomination is to take place*) in the county (*or township, or city, or town or village*) of \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of the month of \_\_\_\_\_, in the year 19\_\_\_\_, from noon until two of the clock in the afternoon for the purpose of nominating a person to represent them in the House of Commons of Canada; and that, in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on \_\_\_\_\_ the \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year 19\_\_\_\_, at the hour of eight o'clock in the forenoon and kept open until the hour of six o'clock in the afternoon at places of which in that case I shall subsequently give notice.

And further that in that case I shall on the \_\_\_\_\_ day of \_\_\_\_\_, in the year 19\_\_\_\_, at (*describe the place at which the votes will be added up*) open the ballot boxes, add up the votes given for the several candidates and return as elected the candidate having the majority of votes.

And further that the territory comprised within the cities, towns and incorporated villages of \_\_\_\_\_

shall be, for the purposes of the Dominion Elections Act, known as urban polling divisions and the voters' list shall be prepared and completed therein under the rules set forth in Schedule A to section 32 of the said Act, and that the remainder of the territory comprised within the electoral district shall be for the purpose of the said Act, known as rural polling divisions and the voters' list shall be prepared and completed therein under the rules set forth in Schedule B to section 32 of the said Act.

Of which all persons are hereby required to take notice, and to govern themselves accordingly.

Given under my hand at \_\_\_\_\_ in the year 19\_\_\_\_.  
this \_\_\_\_\_ day of \_\_\_\_\_  
(*Print name of returning officer.*)  
Returning Officer.

FORM No. 22.

NOMINATION PAPER. (Sec. 40.)

We, the undersigned electors of the electoral district of \_\_\_\_\_ hereby nominate  
(*here give name in full, residence and occupation, addition or description of person nominated*) as a candidate at the elec-

tion, now about to be held, of a member to represent the said electoral district in the House of Commons of Canada.

Witness our hands at \_\_\_\_\_ in the said electoral district this \_\_\_\_\_ day of 19 .

Signatures of Witnesses.	Residences of Witnesses.	Occupations or Additions of Witnesses.	Signatures of Electors.	Residences of Electors.	Occupations or Additions of Electors
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

Several signatures of electors may be bracketed and a witness need only sign once opposite the bracket for the whole series of signatures which he witnessed.

FORM No. 23.

OATH OF ATTESTATION OF THE NOMINATION PAPER  
(Sec. 40)

I, \_\_\_\_\_ of (residence) \_\_\_\_\_ (occupation) swear (or solemnly affirm) that I know the following persons who have signed the within nomination paper, namely:—  
and that they are duly qualified as electors of the electoral district of \_\_\_\_\_ to vote at an election of a member to serve in the House of Commons of Canada, and that they respectively signed the within nomination paper in my presence.

This oath (or affirmation) was }  
sworn (or affirmed) before me at } (Signature of person  
this day of 19 . } attesting)  
Returning Officer.

FORM No. 24

RETURN WHERE THERE ARE NO MORE CANDIDATES THAN MEMBERS TO BE ELECTED. (Sec. 41)

I hereby certify that the member (or members) elected for the electoral district of \_\_\_\_\_, in pursuance of the within written writ, is (or are) J. K., of \_\_\_\_\_ in \_\_\_\_\_, and L. M., of \_\_\_\_\_ (as in nomination paper), no other candidate having been nominated (or the other or all other candidates having withdrawn, as the case may be).

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

A. B.,  
Returning Officer.



FORM No. 25

NOTICE OF GRANT OF A POLL. (Sec. 44)

Electoral District of \_\_\_\_\_ to wit:  
Province of \_\_\_\_\_

Public notice is hereby given to the electors of the electoral district aforesaid that a poll has been granted for the election now pending for the said district, and that such poll will be opened on \_\_\_\_\_, the day of \_\_\_\_\_, 19\_\_\_\_, at the hour of eight o'clock in the forenoon and kept open until the hour of six o'clock in the afternoon as follows:—

For polling division: *(Here insert the numbers, the names if any, and the descriptions of the polling divisions, and describe the polling stations).*

Further, that the persons duly nominated, and for whom only votes will be received, are:

- 1) *(Insert the names and additions of each candidate as given*
- 2) *in the nomination paper, and follow the name of each*
- 3) *with (in smaller type) the words "Official Agent" and the name and address of the official agent appointed by him).*

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of 19\_\_\_\_.

*(Name of returning officer to be printed).*

*Returning Officer.*

*(Add for posting a copy of subsection (1) of section 5 of this Act.)*

FORM No. 26

DIRECTIONS TO VOTERS. (Sec. 45.)

Each voter may vote only at one polling station and for only one candidate, unless two members are to be returned for the electoral district, in which case he may vote for one or for two candidates as he thinks fit.

The voter will go into one of the compartments, and, with a black lead pencil there provided, place a cross within the white space containing the name of the candidate for whom he votes, thus X.

The voter shall then fold the ballot paper so that the initials and stamp on the back and the number on the counterfoil can be seen and the counterfoil detached without opening the paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present, including the voter, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box. The voter shall then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper, he may return it to the deputy returning officer, who, on being satisfied of the fact, will give him another.

If a voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can

afterwards be identified, his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot given him by the deputy returning officer, he will be disqualified from voting at any election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, Joseph O'Neil and John R. Smith, and the voter has marked his ballot paper in favour of John R. Smith.

**1**      **WM. R. BROWN**  
of the city of Ottawa, Barrister.

**2**      **FRANK HAMON**  
of the city of Ottawa, Artist.

**3**      **JOSEPH O'NEIL**  
of the city of Ottawa, Gentleman.

**4**      **JOHN R. SMITH**  
of the city of Ottawa, Merchant.

**X**

(Add for posting a copy of subsection (1) of sec. 5 of this Act.)

FORM NO. 27

COMMISSION OF A POLL CLERK AS ACTING DEPUTY  
RETURNING OFFICER  
(Sec. 48.)

To \_\_\_\_\_ of \_\_\_\_\_  
(insert his residence and legal addition.)

Know you, that in my capacity of acting deputy returning officer for the polling division No. \_\_\_\_\_ of the electoral district of \_\_\_\_\_, in consequence of the deceased (or incapacity to act, or as the case may be) of the deputy returning officer for the said polling division whose poll clerk I was, I hereby appoint you to be poll clerk for the said polling division No. \_\_\_\_\_, of the said electoral district.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year 19 \_\_\_\_.

I. J.,  
Poll Clerk, acting as Deputy Returning Officer.

*(The oath and certificate of its having been taken will be the same as in the case of a poll clerk appointed by the deputy returning officer.)*



## FORM No. 28

## FORM OF BALLOT PAPER.

*Front.*

*The black line above the first name shall extend to the upper edge, and the black line below the last name shall extend to the lower edge of the ballot paper, and all black lines be prolonged to the edge of the paper.*

**1****WM. R. BROWN**

of the City of Ottawa, Barrister

**2****FRANK HAMON**

of the City of Ottawa, Artist

**3****JOSEPH O'NEIL**

of the City of Ottawa, Gentleman

**4****JOHN R. SMITH**

of the City of Ottawa, Merchant

FORM No. 28—*Continued.*

FORM OF BALLOT PAPER.

*Back.*

No. 325

No. 325

P. B. No. ....

*(Line of Perforations here.)*

*(Line of Perforations here.)*

D.-R.-O.  
INITIALS



ELECTORAL DISTRICT OF

OTTAWA CITY,

November 24, 1900.

JAMES BROWN, Printer,  
Ottawa.

Election Instructions

FORM No. 29.

OATH OF AGENT OF A CANDIDATE, OR ELECTOR REPRESENTING  
CANDIDATE. (Sec. 52).

I, the undersigned, P. Q., agent for (or elector representing)  
J. K., one of the candidates at the election now pending for the  
electoral district of  
do swear (or solemnly affirm) that I will keep secret the names  
of the candidates for whom any of the voters at the polling  
station in the polling division No. marks his ballot  
paper in my presence at this election. So help me God.

P. Q.

Sworn (or affirmed) before me, at , this  
day of 19 .

A. B.,  
Returning Officer,  
or C. D.,  
Justice of the Peace.

FORM No. 30.

CERTIFICATE TO BE GIVEN TO A DEPUTY RETURNING OFFICER, A POLL  
CLERK, A CANDIDATE OR A CANDIDATE'S AGENT UNDER  
SECTION 53 SUBSECTION (1) OF THE DOMINION  
ELECTIONS ACT, WHEN REQUIRED.

No .....

This is to certify.....  
is a qualified elector of Polling Division No.....in the  
Electoral District of.....  
but that in consequence of his having been appointed to act in  
the capacity of\* (see note).....  
at Polling Division No....., he is entitled to  
vote at said last mentioned Polling Division.

Dated at.....this.....day of.....19..

.....  
Revising Officer or Registrar.

\* Insert Deputy Returning Officer or Poll Clerk or candidate, or Agent  
for.....one of the candidates at this election  
as the case may be.

FORM No. 31.

OATH ON TRANSFER CERTIFICATE.. (Sec. 53.)

1, (name) of (address) (occupation) do swear  
(or affirm) that:



(At by-elections.)

(At a general election.)

.....  
Deputy Returning Officer.

## POLL BOOK.

Consec. Number.	Particulars of Voter.				Form Numbers of Oaths, if any, the Voter is required to Swear.
	NAME (Family name first.)	Occupation or Addition.	Place of Residence.	No. on Voters' List.	



believe that you are the person intended to be referred to by the entry in the list of voters for this polling division of the name of (*name as in list of voters*) whose occupation is given as (*occupation as in list of voters*) and whose address is given as (*address in list of voters*). So help you God.

FORM No. 35. (Sec. 64.)

You swear that you now reside in this polling division. So help you God.

FORM No. 36

OATH OF PERSON VOUCHING. (Sec. 64.)

You swear that you are (*name as on list of voters*) whose occupation is (*occupation as on list of voters*) and whose address is (*address as on list of voters*) and that you now reside in this polling division;

That you know (*naming the applicant and stating his address and occupation*) who has applied to have his name added to the voters' list in the said polling division;

That the said applicant now resides in this polling division (*adding at a general election*) and was ordinarily resident in this electoral district on the                      day of                      19                      , (*naming a day two months before the issue of the writ of election*).

That you verily believe that the applicant is a British subject of the full age of twenty-one years and that he has resided in Canada for the year (*inserting at a by-election only*: and in the electoral district for the two months) immediately preceding the                      day of                      19                      , (*naming the date of the issue of the writ of election*):

That you verily believe that the applicant is qualified as a voter and is not disqualified from voting at this election. So help you God.

FORM No. 37

OATHS OF IDENTITY BY VOTER RECEIVING A BALLOT PAPER AFTER ANOTHER HAS VOTED IN HIS NAME

(Sec. 63, subsec. (8))

You swear that you are (*name as on list of voters*), of (*residence as on list of voters*), whose name is entered on the list of voters now shown you. So help you God.

FORM No. 38

OATH OF INCAPACITATED VOTER. (Sec. 63.)

You swear that you are incapable of voting without assistance by reason of your being unable to write or of physical incapacity. So help you God.



## Election Instructions

## FORM No. 39

## INFORMATION FOR PERSONATION. (Secs. 65, 84)

Canada, }  
 Province of }  
 County of }

The information of \_\_\_\_\_ taken  
 this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_,  
 before the undersigned, a Deputy Returning Officer at a polling  
 station in the \_\_\_\_\_ of \_\_\_\_\_  
 for an election being held for the electoral district of \_\_\_\_\_  
 of a member of the House of Commons.

The said informant says that he believes that (*insert the name of the accused or, if it is not known, then "a person whose name is to the informant unknown but who is now detained in the polling station by the order of the undersigned"*) on this day at the said polling place did commit the offence of personation by (*describe the offence in words following those of Sec. 84, (a), (b) or (c).*

Taken and sworn before me at the said polling station, the day and year above mentioned.

*Deputy Returning Officer.*

## FORM No. 40

INFORMATION FOR VOTING WITH KNOWLEDGE OF DISQUALIFICATION,  
NON-QUALIFICATION OR INCOMPETENCY.

(Secs. 65, 85.)

Canada, }  
 Province of }  
 County of }

The information of \_\_\_\_\_ taken  
 this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_  
 before the undersigned, a Deputy Returning Officer  
 at a polling station in the \_\_\_\_\_ of \_\_\_\_\_  
 for an election being held for the electoral district of \_\_\_\_\_  
 of a member to serve in the House of  
 Commons.

The said informant says that he believes that (*insert the name of accused*) who is now detained in the said polling station under my order, on this day at the said polling place did commit the offence of voting at said election then knowing that he was ("*disqualified,*" "*non-qualified*" or "*incompetent*") to vote at such election.

Taken and sworn before me at the said polling station, the day and year above mentioned.

*Deputy Returning Officer.*

WARRANT FOR ARREST OF PERSON CHARGED WITH  
PERSONATION. (Secs. 65, 84.)

*Deputy Returning Officer.*

for the electoral district of \_\_\_\_\_ for an election being held  
of \_\_\_\_\_ of a member to  
serve in the House of Commons (*insert the name of the accused*)  
has this day been charged upon oath with having committed on  
this day and at the said polling place the offence of having then  
and there voted at such election knowing that he was ("*dis-*  
*qualified,*" "*non-qualified,*" or "*incompetent*") to so vote.





Officer therein, has been so kept by me, under his direction as aforesaid, correctly and to the best of my skill and judgment; that the total number of votes polled in the said poll book is and that to the best of my knowledge and belief, it contains a true and exact record of the votes given at the Polling Station in the said Polling Division as the said votes were taken at the said poll by the said deputy Returning Officer.

.....  
Poll Clerk.

Sworn (or affirmed) and subscribed before me, at \_\_\_\_\_ day of \_\_\_\_\_, this \_\_\_\_\_ in the year 19 \_\_\_\_\_.

(Signature of the D.R.O., the Returning Officer or any of the other persons mentioned in Section 6 of the Act.)

FORM No. 45.

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.  
(Sec. 67.)

Polling Division No. \_\_\_\_\_

Electoral District of \_\_\_\_\_

Number of Ballot Papers received from the Returning Officer.....			
Number of Ballot Papers cast for.....			
"	"		
"	"		
"	"		
"	"		
"	"		
"	"		
"	"	spoiled.....	
"	"	rejected.....	
"	"	not used and returned.....	
Total.....			

Number of Names on Voters' List.....

I hereby certify that the above statement is correct.

Dated at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ } Deputy Returning Officer.

FORM No. 46.

CERTIFICATE TO BE DELIVERED TO CANDIDATES, ETC. (Sec. 67.)

I, the undersigned, Deputy Returning Officer for Polling Division No. \_\_\_\_\_ in the Electoral District of \_\_\_\_\_

do hereby certify that, at the election held this day, for a Member to serve in the House of Commons, the hereinafter mentioned Candidates received the number of Votes set opposite their respective names, viz:—

Names of Candidates.	Number of Votes.
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and also that \_\_\_\_\_ ballot papers were rejected.

Dated at \_\_\_\_\_ }  
this \_\_\_\_\_ day of \_\_\_\_\_ 19 . } Deputy Returning Officer.

FORM No. 47.

OATH OF MESSENGER SENT TO COLLECT, OR OF ANY CUSTODIAN OF BALLOT BOXES. (Sec. 67.)

I, (insert name, address and occupation of messenger or custodian) of \_\_\_\_\_ messenger or custodian appointed by (insert name of Returning Officer) \_\_\_\_\_ Returning Officer for the Electoral District of \_\_\_\_\_ swear (or solemnly affirm) that the several boxes to the number of \_\_\_\_\_ now delivered by me to \_\_\_\_\_ were handed to me by (insert names of D. R. O.'s or authorized custodian from whom ballot boxes have been received), that they have not been opened by me or any other person; and that they are in the same state as they were in when they came into my possession.

(Signature of Messenger or Custodian)

Sworn (or affirmed) and subscribed before me, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year 19 \_\_\_\_\_ .

(Signature of the Returning Officer or any other of the persons mentioned in section 6 of the Act.)

FORM No. 48.

RETURN AFTER A POLL HAS BEEN TAKEN. (Sec. 73.)

I hereby certify that the member (or members) elected for the electoral district of \_\_\_\_\_, in pursuance of the within written writ, as having received the majority of votes lawfully given, is (or are A. B., etc. *names, etc., in the nomination papers*).

Dated at \_\_\_\_\_, 19\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_.

A. B.,  
Returning Officer.

FORM No. 49. (Sec. 80.)

Electoral District of.....

RETURN OF ELECTION EXPENSES.

On behalf of \_\_\_\_\_ a Candidate.

CERTIFICATE OF PERSON BEFORE WHOM STATUTORY  
DECLARATION IS MADE.

This is the return of election expenses referred to in the statutory declaration of \_\_\_\_\_ which said statutory declaration (in Form 50, 51 or 52 in Schedule 1 to the Dominion Elections Act) was declared before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

*Signature.*

RETURN.

I \_\_\_\_\_ of \_\_\_\_\_ in the province of \_\_\_\_\_ being official agent for \_\_\_\_\_ a candidate at the election of a member to serve in the House of Commons of Canada, held on the (*insert date of poll*) day of \_\_\_\_\_ 19\_\_\_\_, in the above mentioned electoral district, make the following return respecting the election expenses of the said candidate at the said election.



I—RECEIPTS.

(a) Money or its Value Received.

There are accurately set out hereunder the name and occupation of every person (including the candidate) and of every club, society, company or association, from whom any money, securities or the equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the above election, showing in the case of each person the amount or value received as a contribution (including subscription or gift), loan, advance, deposit or otherwise:—

Name	Address	Occupation	State whether Contribution, Loan, Advance or Deposit	Amount or Value
TOTAL				

(b) Money or its Value Promised but not Received.

In addition to the foregoing items, the persons (including the candidate), clubs, societies, companies or associations hereunder mentioned are all who have promised to pay but have not yet paid money or its equivalent for the purpose of expenses incurred, or to be incurred, on account of or in respect of the conduct or management of the said election, and the amount or value promised by them respectively, with its character, is set out after their names:—

Name	Address	Occupation	State whether Contribution, Loan, Advance, Deposit, etc.	Amount or Value
TOTAL				

**2—PAYMENTS MADE NOT REQUIRING A JUDGE'S ORDER.**

**(a) Candidates Personal Expenses, Postage, Telegrams and Petty Claims.**

Personal Expenditure of candidate paid by him personally and notified to me under Sec. 79 (4).			Petty Expenses paid under written authority under Sec. 79 (17, 18), the statements of particulars being attached and numbered consecutively.		
Paid by me as his official agent.....			Consec. No.	Name	Amount
Total.....					
Postage paid by me.....					
Telegrams paid by me....					
				Total.....	

**(b) Hire of Premises.**

There are set out below the name and address of every person, club, society, company and association from whom premises were hired for the purpose of the election, with a description of the premises so hired, the purpose for which and the length of time during which the same were used, and the amount paid therefor, vouchers for all the said payments for which vouchers have been received being attached hereto and numbered consecutively as indicated in the proper column below:—

Consec. No. of Voucher	Name of Person from whom Premises hired	Address	Description of Premises hired	Purpose for which used	Time for which used	Amount Paid
TOTAL						

**(c) Services.**

The following statement contains the name and address of every person, club, society, company or association to whom any payment was made for work done, with a description of the nature of the work done and the amount paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:—

Consec. No. of Voucher	Name	Address	Nature of Work Done	Amount Paid
TOTAL				

(d) Travelling Expenses and Hire of Vehicles.

The following statement contains the name and address of every person, club, society, company or association to whom any payment was made for travelling expenses or the hire of vehicles with the amounts paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below.

Consec. No. of Voucher	Name	Address	Nature of Claim	Amount	
TOTAL					

(e) Goods Supplied.

The following statement contains the name and address of every person, club, society, company or association to whom any payment (not already set out) was made, for goods supplied, with a description of the goods supplied and the amounts paid to each, vouchers for such payments being attached hereto so far as the same have been received and numbered consecutively as indicated in the proper column below:—

Consec. No. of Voucher	Name	Address	Description of Goods Supplied (If only hired, so state and give duration)	Amount Paid	
TOTAL					

(f) Advertising.

The following statement contains the name and address of every person, club, society, company and association to whom any payment (not already set out) was made for advertising, with a description of such advertising and the amount paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below.

Consec. No. of Voucher	Name	Address	Name of Publication	Dates of Issues	Amount	
TOTAL						



**3—UNDISPUTED CLAIMS STILL UNPAID OR UNDER A JUDGE'S ORDER.**

The following statement contains the names and addresses of all persons whose undisputed claims were received too late, or remained unpaid too long, to be payable without a judge's order and in respect of which such an order has been or is about to be applied for, together with particulars of the nature of the claim, its amount, etc., as below set out.

Name	Address	Nature of Claim	Paid or Unpaid	If Paid, Date of Order or Judgment	Amount
TOTAL					

**4—UNDISPUTED CLAIMS.**

In addition to the above, I am aware as official agent for the said candidate of the following (and only of the following) disputed and unpaid claims, the names and addresses of the claimants, the character of the claims respectively and the amount thereof being as set out below:—

Name	Address	Character of Disputed Account	Amount
TOTAL			

.....  
Signature of Official Agent.

FORM No. 50.

**OFFICIAL AGENT'S DECLARATION AS TO EXPENSES.  
(Sec. 80.)**

I, \_\_\_\_\_, being official agent of  
a candidate at the election held on the \_\_\_\_\_ day of  
\_\_\_\_\_ 19\_\_\_\_, for the election of a member  
to serve in the House of Commons of Canada, do hereby  
solemnly declare that I have examined the return of election  
expenses about to be transmitted by me to the returning officer  
at the said election and now shewn to me and marked by the  
officer before whom this declaration is made and to the best  
of my knowledge and belief that return is correct.

And I hereby further solemnly declare that except as appears  
from that return, I have not and to the best of my knowledge

and belief no other person, nor any club, society, company or association has on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly declare that I have received from the said candidate the sum of (*insert "No" if the fact is so*) dollars and no more for the purposes of said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given or deposited by any one to me or in my hands, or to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of, the conduct or management of the said election.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the Canada Evidence Act.

Signed and declared by	}	<i>(Signature of Declarant).</i>	
the above named declar-			
ant at			
on the			day
of			19 ,
before me.			

*(Signature of any of the persons mentioned in Sec 6 of the Act.)*

#### FORM No. 51.

##### CANDIDATE'S DECLARATION AS TO EXPENSES. (Sec. 80.)

*(Ordinary Form.)*

I, \_\_\_\_\_, whose address is \_\_\_\_\_ and whose occupation is \_\_\_\_\_, having been a candidate at the election of a member to serve in the House of Commons of Canada, for the electoral district of \_\_\_\_\_ held on the \_\_\_\_\_ (*insert date of poll*) day of \_\_\_\_\_, 19 \_\_\_\_\_, do hereby solemnly declare that I have examined the return of election expenses transmitted or about to be transmitted by my official agent to the returning officer at the said election, a copy of which return is now shown by me and signed by the officer before whom this declaration is made, and to the best of my knowledge and belief that return is correct;

2. And I further solemnly declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, company or association, has, on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

3. And I further solemnly declare that I have paid to my said official agent the sum of \_\_\_\_\_ and no more for the purpose of the said election, and that, except as specified in the return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given or deposited by any one to or in the hands of my official agent or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election;

4. And I further solemnly declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the Canada Evidence Act.

(Signature of Declarant)

Signed and declared before me by the above named declarant  
at \_\_\_\_\_, in the Province of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

(Signature)

*To be declared before any of the persons mentioned in Sec. 6 of this Act.*

#### FORM NO. 52

#### CANDIDATE'S DECLARATION AS TO EXPENSES. (Sec. 80.)

(Alternative Form.)

I, \_\_\_\_\_ whose address  
is \_\_\_\_\_ and whose occupation is \_\_\_\_\_  
\_\_\_\_\_, having been (insert "in my  
absence nominated as" or "declared by others to be") a candi-  
diate at the election of a member to serve in the House of  
Commons of Canada for the electoral district of \_\_\_\_\_  
\_\_\_\_\_, held on the (insert the date of poll)  
day of \_\_\_\_\_, 19 \_\_\_, do hereby solemnly  
declare that I have taken no part whatever in the said election.

2. And I further solemnly declare that, with the exceptions undernoted, I have not, and no person, club, society, company or association on my behalf, has made any payment, or given, promised, or offered, any reward, office, employment, or valuable consideration or incurred any liability on account of or in respect of the conduct or management of the said election.

Exceptions:

3. And I further solemnly declare that, with the exceptions undernoted, I have not paid any money or given any security or equivalent for money to the person acting as my official agent at the said election, or to any other person, club, society, company or association on account of or in respect of the conduct or management of the said election.



## Exceptions:

4. And I further solemnly declare that, with the exceptions undernoted, I am entirely ignorant of any money, security, or equivalent for money having been paid, advanced, given or deposited by any one for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election.

## Exceptions:

5. And I further solemnly declare that I will not, except so far as I may be permitted by law, at any future time, make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the Canada Evidence Act.

*Signature of Declarant.*

Signed and declared\* before me by the above named declarant  
at \_\_\_\_\_ in the province of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 19 .

*(Signature.)*

*\*To be declared before any of the persons mentioned in Sec. 6 of the Act.*

## FORM NO. 53.

NOTICE OF HOLDING OF ADVANCE POLL  
FOR RAILWAY EMPLOYEES, SAILORS AND COMMERCIAL  
TRAVELLERS. (Sec. 102.)

Take notice that pursuant to the provisions of Section 102 of the Dominion Elections Act, an advance poll will be opened between the hours of seven and ten o'clock in the evening of the following three days, namely the

\_\_\_\_\_ and \_\_\_\_\_ of  
the month of \_\_\_\_\_ 19 ,

being the three days, exclusive of Sunday, immediately preceding the day fixed for polling at the pending Dominion election, in the (city, town, village) of \_\_\_\_\_

at (here particularly specify the place where the polling station will be located for each city, town or village or other place in the electoral district in which an advance poll is authorized to be opened; one polling station will be sufficient for each place) whereat electors of this electoral district, being railway employees, sailors or commercial travellers whose employment or calling will necessarily cause their absence from their ordinary places of residence on polling day and who comply with the provisions of said section of the said Act, may vote in advance of polling day.

Published this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

*(Name of returning officer to be printed.)*

*Returning Officer for said Electoral District.*

FORM No. 54.

CERTIFICATE TO A RAILWAY EMPLOYEE, SAILOR OR COMMERCIAL TRAVELLER ENTITLED TO VOTE AT AN ADVANCE POLL. (Sec. 102.)

I, the undersigned revising officer or registrar for Polling Division No. \_\_\_\_\_ of the electoral district of \_\_\_\_\_, hereby certify to all deputy returning officers of advance polls held pursuant to section 102 of the *Dominion Elections Act*, as follows:—

1. That (*insert full name, occupation and full address*), whose ordinary residence is at \_\_\_\_\_ is an elector whose name appears on the official List of Voters of the said polling division compiled or revised by me for the purposes of the pending Dominion election.

2. That, said elector on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, having personally attended before me and requested of me a certificate enabling him to vote at such election in advance of polling day, I, being satisfied that he is a person who is, pursuant to said section 102 of the *Dominion Elections Act* thereto entitled required him to sign his name hereunder, which being by him first done, I have signed and issued this certificate.

.....  
*Elector will sign his name above this line before the Registrar or Revising Officer.*

*Signature of Revising Officer or Registrar for said polling division.*

FORM No. 55.

STATEMENT OF IDENTIFICATION AND DECLARATION. (Sec. 102)

The undersigned is the elector mentioned in the preceeding certificate.

I declare that my employment or calling is that of a railway employee, sailor or commercial traveller and necessitates from time to time my absence from my ordinary place of residence and that I have reason to believe that because of necessary absence from my ordinary place of residence in the pursuit of my employment or calling I will be unable to vote at the pending Dominion Election on polling day. I am aware that after voting or attempting to vote at an advance poll I have no right to vote or to attempt to vote at any other polling station at the pending Dominion election.

.....  
*Elector will sign his name above this line before the Deputy Returning Officer.*

1920, c. 46, Sch. 1; 1921, c. 29, ss. 14, 22 and Sch; 1925, c. 42, ss. 35 and 36.

## SCHEDULE TWO

(As amended under Sec. 102 (4) up to 3rd March, 1928)

NAMES OF PLACES WHERE ADVANCE POLLS MAY BE  
ESTABLISHED BY RETURNING OFFICERS

(NOTE that the following names are those of cities, towns and other places, and not in any case the names of electoral districts.)

*Alberta.*—Big Valley, Calgary, Edmonton, Edson, Hanna, Jasper, Lethbridge, Macleod, McLennan, Medicine Hat, Mirror, West Edmonton.

*British Columbia.*—Cranbrook, Kamloops, Nelson, New Westminster, Penticton, Point Grey, Prince George, Prince Rupert, Revelstoke, South Vancouver, Vancouver, Victoria.

*Manitoba.*—Brandon, Dauphin, East Kildonan, Minnedosa, Portage La Prairie, Souris, St. Boniface, Transcona, West Kildonan, Winnipeg.

*New Brunswick.*—Aroostook Junction, Campbellton, Edmundston, Lancaster Highway Division, Moncton, St. John.

*Nova Scotia.*—Bridgewater, Halifax, Kentville, Pictou, Sydney, Truro, Yarmouth.

*Ontario.*—Barrie, Belleville, Brockville, Capreol, Chatham, Cochrane, Chapleau, Englehart, Fort William, Galt, Goderich, Gravenhurst, Guelph, Hamilton, Havelock, Hornepayne, Kenora, Kingston, Lindsay, London, MacTier, Midland, Mimico, Nakina, New Toronto, North Bay, Orillia, Oshawa, Ottawa, Owen Sound, Palmerston, Parry Sound, Peterboro, Port Arthur, Port Dover, Port McNicoll, Rainy River, Sioux Lookout, St. Thomas, Sarnia, Sarnia Tunnel, Sault Ste. Marie, Schrieber, Smith's Falls, Stratford, Sudbury, Toronto, Trenton, Windsor.

*Prince Edward Island.*—Charlottetown.

*Quebec.*—Charny, Farnham, Joliette, Lévis, Montreal, Mont Joli, Outremont, Parent, Quebec, Richmond, Rivière du Loup, Sorel, Sherbrooke, St. Hyacinthe, Three Rivers, Verdun.

*Saskatchewan.*—Biggar, Humboldt, Kamsack, Kerrobert, Melville, Moose Jaw, North Battleford, Outlook, Prince Albert, Regina, Saskatoon, Sutherland, Swift Current, Weyburn, Wilkie, Yorkton.

*Yukon.*—None.



SCHEDULE THREE.

LIST OF ELECTORAL DISTRICTS IN WHICH AN INTERVAL OF TWO WEEKS BETWEEN NOMINATION AND THE POLLING DAY IS TO BE ALLOWED.

ONTARIO.

Algoma East.  
Algoma West.  
Fort William.  
Kenora—Rainy River.  
Port Arthur—Thunder Bay.  
Timiskaming North.  
Timiskaming South.

QUEBEC.

Charlevoix-Saguenay.  
Gaspé.  
Pontiac.

MANITOBA.

Nelson.  
Selkirk.  
Springfield.  
Provencher.

BRITISH COLUMBIA

Cariboo.  
Comox-Alberni.  
Skeena.  
West Kootenay.  
Yale.

SASKATCHEWAN

Melfort.  
North Battleford.  
Prince Albert.  
Maple Creek.

ALBERTA

Athabaska.  
Peace River.  
Macleod.

YUKON

Yukon Territory.



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